

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECIL JEROME HATCHETT,

Plaintiff - Appellant,

v.

KEN CLARK; FISHER INVESTMENTS,  
INC., Investment Management;  
FRANKLIN TEMPLETON INVESTMENT  
GROUP, Investment Management; J. PAY,  
Cashiers,

Defendants - Appellees.

No. 25-2063

D.C. No. 2:23-cv-01215-WBS-AC

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
William B. Shubb, District Judge, Presiding

Submitted September 22, 2026\*\*

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

California state prisoner Cecil Jerome Hatchett appeals pro se from the  
district court's judgment dismissing his 42 U.S.C. § 1983 action alleging

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

constitutional violations arising from his attempts to deposit or cash various checks. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012). We affirm.

The district court properly dismissed Hatchett's action because Hatchett failed to allege facts sufficient to state any plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, a plaintiff must allege facts sufficient to state a plausible claim); *see also Florer v. Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916, 922 (9th Cir. 2011) (describing the two-part approach used to determine whether private defendants were state actors for purposes of § 1983).

The district court did not abuse its discretion by dismissing Hatchett's complaint without leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

**AFFIRMED.**