

MAR 18 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GARY WILLIAM HALLFORD,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>J. MENDEZ; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
--

No. 10-15381

D.C. No. 2:07-cv-01068-PMP-GWF

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Philip M. Pro, District Judge, Presiding

Submitted March 8, 2011\*\*

Before: FARRIS, O’SCANNLAIN, and BYBEE, Circuit Judges.

Gary William Hallford, a California state prisoner, appeals pro se from the district court’s judgment dismissing his action alleging constitutional and state law violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *D-Beam Ltd. P’ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 974 n.2 (9th Cir.

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

2004) (denial of motion to remand); *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal for failure to state a claim under 28 U.S.C. § 1915A). We affirm.

The district court properly denied Hallford's motion to remand the action to state court because Hallford alleged in his complaint violations of his federal constitutional rights and, thus, the action was subject to removal, *see Lee v. Am. Nat'l Ins. Co.*, 260 F.3d 997, 1002-03 & n.5 (9th Cir. 2001), and Hallford failed to raise timely objections to any defects in the removal requirements, *see Vasquez v. N. Cnty. Transit Dist.*, 292 F.3d 1049, 1062 (9th Cir. 2002) (an objection to a defect in removal requirements must be made within thirty days of the filing of the removal notice or the objection is waived).

The district court properly dismissed Hallford's amended complaint because Hallford failed to allege facts in support of his claims. *See Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (to avoid dismissal, a plaintiff must allege more than "labels and conclusions" or "naked assertion[s]" in support of his claims (citation omitted)).

Hallford's remaining contentions, including those concerning the Attorney General's representation of defendants, are unpersuasive.

Hallford's "Notice of Inquiry" is denied.

**AFFIRMED.**