

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 17 2017

FOR THE NINTH CIRCUIT

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

AHADI ABU-AL MUHAMMAD, AKA
Onofre Tommy Serrano,

Plaintiff-Appellant,

v.

CITY OF LONG BEACH; et al.,

Defendants-Appellees.

No. 16-55730

D.C. No. 2:13-cv-00208-AB-PLA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Andre Birotte, Jr., District Judge, Presiding

Submitted May 8, 2017**

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Ahadi Abu-al Muhammad, a.k.a Onofre Tommy Serrano, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various claims stemming from his arrest and detainment. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Resnick v. Hayes*, 213 F.3d 443, 447

* 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).

(9th Cir. 2000) (dismissal under 28 U.S.C. § 1915A); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order) (dismissal under 28 U.S.C. § 1915(e)(2)).

We reverse and remand.

Dismissal of Muhammad’s action was premature because the allegations that Muhammad was stopped and arrested based on Muhammad’s race, liberally construed, are “sufficient to warrant ordering [defendants] to file an answer.” *Wilhelm v. Rotman*, 680 F.3d 1113, 1116 (9th Cir. 2012). We reverse the judgment and remand for further proceedings.

REVERSED and REMANDED.