

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2017

FOR THE NINTH CIRCUIT

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

RODERICK L. MITCHELL,

No. 17-15631

Plaintiff-Appellant,

D.C. No. 2:14-cv-02994-GEB-DB

v.

MEMORANDUM*

DANIEL STONE; ROBERT
AMBROSELLI,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted October 23, 2017**

Before: McKEOWN, WATFORD, and FRIEDLAND, Circuit Judges.

Roderick L. Mitchell appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from the imposition of certain parole conditions. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal under Federal Rule

* 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).

of Civil Procedure 12(b)(6). *Decker v. Advantage Fund Ltd.*, 362 F.3d 593, 595-96 (9th Cir. 2004). We may affirm on any basis supported by the record. *Hell's Angels Motorcycle Corp. v. McKinley*, 360 F.3d 930, 933 (9th Cir. 2004). We affirm.

Dismissal of Roderick's claim for monetary damages was proper because defendants are entitled to absolute immunity for the imposition of the challenged parole conditions. *See Thornton v. Brown*, 757 F.3d 834, 840 (9th Cir. 2014) (parole officers are entitled to absolute immunity against claims for damages arising from imposition of parole conditions).

The district court properly dismissed Roderick's claim for injunctive relief as moot because Roderick is no longer on parole subject to the challenged conditions. *See Bernhardt v. County of Los Angeles*, 279 F.3d 862, 871 (9th Cir. 2002) ("An actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.").

AFFIRMED.