

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 20 2023

FOR THE NINTH CIRCUIT

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

WYATT N. REDFOX,

Plaintiff-Appellant,

v.

BRANDON JONES, Superintendent;  
SANDRA THOMAS, Assistant  
Superintendent; SAMUAL MEDLOCK,  
Standard's Officer; JANE DOE, "CO  
Hodges", Corrections Officer,

Defendants-Appellees.

No. 21-35863

D.C. No. 3:21-cv-00005-SLG-MMS

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Sharon L. Gleason, District Judge, Presiding

Submitted April 17, 2023\*\*

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

Wyatt N. Redfox, who is incarcerated at Anchorage Correctional Complex West, appeals pro se from the district court's judgment dismissing his 42 U.S.C.

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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).

§ 1983 action alleging access-to-courts claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C.

§ 1915(e)(2)(B)(ii). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Redfox’s action because Redfox failed to allege facts sufficient to show actual injury to a nonfrivolous legal claim. *See Lewis v. Casey*, 518 U.S. 343, 348-53 (1996) (explaining that an access-to-courts claim requires a plaintiff to show that defendants’ conduct caused an actual injury to a nonfrivolous legal claim); *see also Christopher v. Harbury*, 536 U.S. 403, 415 (2002) (explaining that in an access-to-courts claim, “the underlying cause of action, whether anticipated or lost, is an element that must be described in the complaint”).

Redfox’s motion to appoint counsel on appeal (Docket Entry No. 8) is denied.

**AFFIRMED.**