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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM RAINER,

Plaintiff - Appellant,

v.

D. CHAPMAN; et al.,

Defendants - Appellees.

No. 08-17128

D.C. No. 1:04-cv-05343-OWW-  
DLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Oliver W. Wanger, District Judge, Presiding

Submitted March 12, 2013\*\*

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Former California state prisoner William Rainer appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging due process violations. We have jurisdiction under 28 U.S.C. § 1291. We review de

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\* 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).

novo a dismissal for failure to state a claim under 28 U.S.C. §§ 1915A and 1915(e)(2). *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Rainer’s due process claims based on his removal from his work assignment and transfer from the facility where his job was located because these allegations did not give rise to a constitutionally protected liberty or property interest. *See Sandin v. Conner*, 515 U.S. 472, 484 (1995) (requiring “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life” or a restraint that exceeds the prisoner’s sentence in “an unexpected manner” to state a liberty interest); *Walker v. Gomez*, 370 F.3d 969, 973 (9th Cir. 2004) (there is no liberty or property interest in prison employment).

The district court properly dismissed Rainer’s due process claim based on defendants’ processing of Rainer’s administrative grievances because prisoners do not have a protected liberty interest in a particular grievance procedure. *See Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003).

**AFFIRMED.**