

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 23 2013

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

BUCK DANIEL MOORE,

Plaintiff - Appellant,

v.

JORDET; et al.,

Defendants - Appellees.

No. 12-35270

D.C. No. 3:11-cv-01376-AC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Oregon state prisoner Buck Daniel Moore appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations concerning his conditions of confinement. We have jurisdiction under

* 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).

28 U.S.C. § 1291. We review de novo. *Resnick v. Hayes*, 213 F.3d 443, 447 (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 affirm.

The district court properly dismissed Moore’s action because the amended complaint did not “contain[] enough facts to state a claim to relief that is plausible on its face.” *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (citation and internal quotation marks omitted) (noting obligation to construe pro se pleadings liberally).

Moore’s request for appointment of counsel is denied.

AFFIRMED.