

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2016

FOR THE NINTH CIRCUIT

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

DONALD R. HENRY,

No. 14-17362

Plaintiff-Appellant,

D.C. No. 3:14-cv-01624-JSC

v.

MEMORANDUM*

SAN FRANCISCO POLICE
DEPARTMENT,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of California
Jacqueline Scott Corley, Magistrate Judge, Presiding**

Submitted August 16, 2016***

Before: O'SCANNLAIN, LEAVY, and CLIFTON, Circuit Judges.

Donald R. Henry appeals pro se from the district court's judgment
dismissing his 42 U.S.C. § 1983 action alleging false arrest. We review de novo

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28
U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

the district court's dismissal under Federal Rule of Civil Procedure 12(b)(6).

Lacey v. Maricopa County, 693 F.3d 896, 911 (9th Cir. 2012) (en banc). We affirm.

The district court properly dismissed Henry's action because Henry failed to allege facts sufficient to show that he was arrested without probable cause. *See id.* at 918 ("To maintain an action for false arrest, [plaintiff] must plead facts that would show [defendant ordered] or otherwise procured the arrests and the arrests were without probable cause").

The district court did not abuse its discretion by denying Henry further leave to amend. *See Ascon Props., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989) (setting forth standard of review and explaining that leave to amend need not be granted where amendment would be futile; "[t]he district court's discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint").

AFFIRMED.