

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2019

FOR THE NINTH CIRCUIT

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

ROSCOE CHAMBERS,

No. 18-55946

Plaintiff-Appellant,

D.C. No. 2:18-cv-03470-MWF-KES

v.

MEMORANDUM*

TIM LASKE; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted February 19, 2019**

Before: FERNANDEZ, SILVERMAN, and WATFORD, Circuit Judges.

Roscoe Chambers, a federal prisoner, appeals pro se from the district court's judgment dismissing his action alleging due process claims under the Federal Tort Claims Act. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 42 U.S.C. § 1915(e)(2)(B)(ii). *Barren v. Harrington*, 152 F.3d

* 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).

1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Chambers's action because Chambers failed to allege facts sufficient to state any cognizable claim for relief. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are to be liberally construed, a plaintiff must still present factual allegations sufficient to state a plausible claim for relief); *Portman v. County of Santa Clara*, 995 F.2d 898, 904 (9th Cir. 1993) (elements of procedural due process claim).

AFFIRMED.