

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2021

FOR THE NINTH CIRCUIT

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

ALLEN HAMMLER,

Plaintiff-Appellant,

v.

M. OLIVEIRA,

Defendant-Appellee.

No. 20-16268

D.C. No. 1:19-cv-00417-DAD-JLT

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Dale A. Drozd, District Judge, Presiding

Submitted March 17, 2021\*\*

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

California state prisoner Allen Hammler appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging First Amendment retaliation claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*,

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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).

213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Hammler's action because Hammler failed to allege facts sufficient to show that defendant Oliveira took an adverse action against Hammler because of his protected conduct. *See Brodheim v. Cry*, 584 F.3d 1262, 1269 (9th Cir. 2009) (elements of a First Amendment retaliation claim in the prison context).

**AFFIRMED.**