

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2022

FOR THE NINTH CIRCUIT

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

RONALD ADAMS,

No. 21-16167

Plaintiff-Appellant,

D.C. No. 2:20-cv-00858-JAM-DB

v.

MEMORANDUM\*

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION;  
KATHLEEN ALLISON, Secretary;  
STEVEN C. SUZUKAWA, Superior Court  
Judge; DIARMUID F. O'SCANNLAIN,  
Circuit Court Judge; EDWARD LEAVY,  
Circuit Court Judge; T. MONTGOMERY,  
Case records analyst; JOSE GASTELO,  
Warden; KAMALA D. HARRIS, Attorney  
General; CALIFORNIA DISTRICT  
COURT,

Defendants-Appellees.

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

Submitted November 15, 2022\*\*

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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).

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

California state prisoner Ronald Adams appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations concerning visitation. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Adams's action because Adams failed to allege facts sufficient to demonstrate that his constitutional rights had been violated. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face" (citation and internal quotation marks omitted)); *Overton v. Bazzetta*, 539 U.S. 126, 131-33 (2003) (upholding prison restriction on minor visitation because the challenged regulation bore a rational relation to legitimate penological interests); *Ky. Dep't of Corr. v. Thompson*, 490 U.S. 454, 460-61 (1989) (explaining that the Due Process Clause does not guarantee a right of unfettered visitation); *Dunn v. Castro*, 621 F.3d 1196, 1202 (9th Cir. 2010) (observing that the court has "declined to recognize a prisoner's constitutional right to receive visits" and that "it is well-settled that prisoners have no constitutional right while incarcerated to contact visits").

The district court did not abuse its discretion in denying leave to amend

because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

**AFFIRMED.**