

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2023

FOR THE NINTH CIRCUIT

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

ISMAEL VILLARREAL,

Plaintiff-Appellant,

v.

RALPH M. DIAZ, Acting Secretary for the California Department of Corrections and Rehabilitation; JEFF MACOMBER, Warden; KENNETH J. POGUE, CDCR Director; ANTHONY CARTER; STEVEN ESCOBAR; P. BIRDSONG, Appeals Coordinator; CHELSEA ARMENTA, Office Service Supervisor; S MOORE, Associate Warden; R. W. SMITH, Chief Deputy Warden; W. SINKOVICH, Appeals Examiner,

Defendants-Appellees.

No. 21-56194

D.C. No. 5:20-cv-01942-VBF-AFM

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Valerie Baker Fairbank, District Judge, Presiding

Submitted February 14, 2023\*\*

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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: FERNANDEZ, FRIEDLAND, and H.A. THOMAS, Circuit Judges.

California state prisoner Ismael Villarreal appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to comply with the pleading requirements of Federal Rule of Civil Procedure 8 and for failure to state a claim. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915A); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)). We affirm.

The district court properly dismissed Villarreal's action because Villarreal failed to allege the bases for his claims and failed to allege facts sufficient to state a plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief).

Villarreal's miscellaneous motion (Docket Entry No. 3) is denied as unnecessary.

**AFFIRMED.**