FILED

AUG 01 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAMMY L. PAGE, Plaintiff - Appellant, v. ELAINE A. FINNBERG; DANA PUTNAM, Defendants - Appellees.	No. 06-55734 D.C. No. CV-05-06737-GHK MEMORANDUM [*]

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted July 22, 2008 [**]

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Sammy L. Page, a California state civil detainee, appeals pro se from the district court's judgment dismissing with prejudice his 42 U.S.C. § 1983 action against two clinical psychologists whose professional evaluations led to his

[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

commitment as a sexually violent predator under California law. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Huftile v. Miccio-Fonseca*, 410 F.3d 1136, 1138 (9th Cir. 2005), and we affirm.

The district court properly dismissed Page's action seeking prospective relief for failure to state a claim, because such relief was not available under the facts of this case. *See Edwards v. Balisok*, 520 U.S. 641, 648 (1997) (explaining that a plaintiff in a section 1983 claim for prospective relief must "meet the usual requirements for injunctive relief"); *O'Shea v. Littleton*, 414 U.S. 488, 502 (1974) (explaining that "the inadequacy of remedies at law" is a prerequisite to the issuance of equitable relief, and noting that federal habeas relief may become an adequate remedy where future wrongful prosecution is feared); *Huftile*, 410 F.3d at 1141-42 (noting that habeas relief was available to a California sexually violent predator challenging his civil commitment).

We deny all pending motions.

AFFIRMED.