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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE DENNIS ROUNDS, Jr.,

Plaintiff - Appellant,

v.

SUSAN FISHER; et al.,

Defendants - Appellees.

No. 07-16958

D.C. No. CV-06-01296-GEB/EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

California state prisoner George Dennis Rounds, Jr., appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action pursuant to 28

* 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).

U.S.C. § 1915A for failure to state a claim. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007), and we affirm.

The district court properly dismissed Rounds's equal protection claim because California has a legitimate penological interest that is furthered by distinguishing, for purposes of parole, between prisoners with determinate and indeterminate sentences. *See Gerber v. Hickman*, 291 F.3d 617, 623 (9th Cir. 2002) (en banc) (holding that Equal Protection claim by prisoner lacked merit where groups being compared were not similarly situated).

The district court properly dismissed Rounds's conspiracy claim because he failed to state specific facts establishing the alleged conspiracy. *See Olsen v. Idaho State Bd. of Med.*, 363 F.3d 916, 929 (9th Cir. 2004) (affirming dismissal of conspiracy claim where plaintiff failed to state specific facts to support the existence of the claimed conspiracy).

Rounds's remaining contentions are unpersuasive.

AFFIRMED.