

AUG 02 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN MORENO HAINES,

Plaintiff - Appellant,

v.

W. HILL, Associate Warden; et al.,

Defendants - Appellees.

No. 08-17394

D.C. No. 5:06-cv-02211-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted July 19, 2010**

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

Juan Moreno Haines, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that defendants denied him access to the courts. We have jurisdiction under 28 U.S.C.

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

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

§ 1291. We review de novo. *Barnett v. Centoni*, 31 F.3d 813, 815 (9th Cir. 1994) (per curiam). We affirm.

Haines contends that prison officials violated his right to access the courts by not treating his letter to the California Claims Board as legal mail. The district court properly granted summary judgment because Haines did not demonstrate that the defendants caused him an actual injury. *See Lewis v. Casey*, 518 U.S. 343, 353-55 (1996) (explaining actual injury requirement).

Haines's remaining contentions are unpersuasive.

AFFIRMED.