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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>JUAN D. VEGA, Jr.,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>FEDERAL BUREAU OF PRISONS and COMMUNITY CORRECTIONS MANAGER,</p> <p>Respondents - Appellees.</p> |
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No. 09-36156

D.C. No. 3:09-cv-05076-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, District Judge, Presiding

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Federal prisoner Juan Vega appeals pro se from the district court’s judgment dismissing his 28 U.S.C. § 2241 habeas petition as moot. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* 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).

Vega contends that his claims are not moot because his race discrimination and due process claims have not been adjudicated. Vega's argument fails because the Bureau of Prisons has performed the actions sought by Vega in this litigation, and this court lacks the ability to provide any further relief. Accordingly, his petition was properly dismissed as moot. *See Kittel v. Thomas*, 620 F.3d 949, 951-52 (9th Cir. 2010) (habeas petition properly dismissed as moot where there was no legal issue remaining for the court to decide); *Pub. Util. Comm'n v. FERC*, 100 F.3d 1451, 1458 (9th Cir. 1996) (appeals were moot where administrative agency had already granted relief sought).

The district court did not abuse its discretion by denying Vega's motion for reconsideration because he did not identify any new evidence, change in law, clear error, or manifest injustice in the court's order. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration).

AFFIRMED.