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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY MITCHELL,

Plaintiff - Appellant,

v.

JIM HAMLET; et al.,

Defendants - Appellees.

No. 10-17308

D.C. No. 3:08-cv-03443-THE

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Thelton E. Henderson, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Gregory Mitchell, an inmate at the Correctional Training Facility in Soledad, California, appeals pro se from the district court's summary judgment for defendants in his civil rights action. Mitchell alleged violations of his religious rights as a Muslim under the First and Fourteenth Amendments, pursuant to 42

* 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).

U.S.C. § 1983, and under the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). We have jurisdiction under 28 U.S.C. § 1291. We review the summary judgment de novo, *Shakur v. Schriro*, 514 F.3d 878, 883 (9th Cir. 2008), and we affirm.

The district court correctly determined that Mitchell did not present evidence raising a genuine issue of material fact in opposition to summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249–50 (1986). Although Mitchell pointed to his complaint, to declarations submitted in support of his opposition, and to voluminous attachments to those documents, as well as to a request for judicial notice, none of these shows a substantial burden on Mitchell’s religious practice that meets the standard of RLUIPA or raises constitutional concerns. *See Shakur*, 514 F.3d at 885, 889, 891. To the extent that Mitchell’s opposition accurately points to the record,¹ the assertions therein are conclusory. *See Thornton v. City of St. Helens*, 425 F.3d 1158, 1167 n.4 (9th Cir. 2005). He did not raise a genuine issue of material fact regarding the asserted improper burdens on his religious practice.

¹ *See Keenan v. Allan*, 91 F.3d 1275, 1279 (9th Cir. 1996).

Mitchell's remaining contentions are unpersuasive. Because Mitchell did not meet his burden in opposing summary judgment, the district court's decision should be affirmed.

AFFIRMED.