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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL E. SPREADBURY,

Plaintiff - Appellant,

v.

U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES; et al.,

Defendants - Appellees.

No. 10-35901

D.C. No. 9:10-cv-00081-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted December 19, 2011**

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

Michael E. Spreadbury appeals pro se from the district court's judgment dismissing for lack of standing his action alleging that demolition and construction activities related to the Rocky Mountain Laboratories (the "Laboratories") in

* 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).

Hamilton, Montana violated the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq. (the “Act”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii). *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Spreadbury’s action for failure to satisfy constitutional and prudential standing requirements. First, Spreadbury failed to describe how defendants’ alleged construction activities in violation of the Act resulted in an injury to his personal, concrete interests. *See Nuclear Info. & Res. Serv. v. NRC*, 457 F.3d 941, 949-50 (9th Cir. 2006) (setting forth constitutional standing requirements). Second, Spreadbury failed to allege how defendants’ alleged actions injured him within the zone of interests protected by the Act. *See Ashley Creek Phosphate Co. v. Norton*, 420 F.3d 934, 940 (9th Cir. 2005) (setting forth prudential standing requirements).

Spreadbury’s remaining contentions are unpersuasive.

AFFIRMED.