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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM D. DUNNE,

Plaintiff - Appellant,

v.

D. SMITH; et al.,

Defendants - Appellees.

No. 11-16342

D.C. No. 1:07-cv-00074-BLW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
B. Lynn Winmill, Chief Judge, Presiding

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Federal prisoner William D. Dunne appeals pro se from the district court's summary judgment in his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging that a prison

* 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).

policy restricting access to newspapers and magazines in the Special Housing Unit violated his First and Fifth Amendment rights. We have jurisdiction under 28 U.S.C § 1291. We review de novo. *Morrison v. Hall*, 261 F.3d 896, 900 (9th Cir. 2001). We affirm.

The district court properly granted summary judgment because Dunne failed to raise a genuine dispute of material fact as to whether the policy is not reasonably related to legitimate penological interests. *See id.* at 901 (“[A] regulation that impinges upon a prisoner’s constitutional rights is valid if the regulation is reasonably related to legitimate penological interests.” (citations and internal quotation marks omitted)). Nor did Dunne raise a genuine dispute of material fact as to whether he was actually denied access to the law library and reading material. *See W. Radio Servs. Co. v. U.S. Forest Serv.*, 578 F.3d 1116, 1119 (9th Cir. 2009) (discussing the requirements of a *Bivens* action, including the deprivation of a federal right).

AFFIRMED.