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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAROLD B. SHAMBURGER,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>M. DODSON, Correctional Sgt.; A. MURPHY, Correctional Sgt.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 11-17071

D.C. No. 3:09-cv-03745-JSW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Jeffrey S. White, District Judge, Presiding

Submitted December 19, 2012\*\*

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

Harold B. Shamburger, a California state prisoner, appeals pro se from the district court’s order denying his motion to alter or amend the judgment in his 42 U.S.C. § 1983 action alleging First Amendment violations. We have jurisdiction

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\* 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).

under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying Shamburger’s motion to alter or amend the judgment because Shamburger failed to demonstrate grounds for such relief. *See id.* at 1263 (setting forth grounds for reconsideration under Fed. R. Civ. P. 59(e) and 60(b) and noting that “[t]he overwhelming weight of authority is that the failure to file documents in an original motion or opposition does not turn the late filed documents into ‘newly discovered evidence.’” (citation omitted)).

The scope of this appeal is limited to review of the July 15, 2011 order denying Shamburger’s motion to alter or amend the judgment; accordingly, we do not address other issues raised by Shamburger.

**AFFIRMED.**