

AUG 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MATTHEW ROBERT YOUNG,

Plaintiff - Appellant,

v.

MARK NOOTH, Superintendent of SRCI;  
et al.,

Defendants - Appellees.

No. 12-35695

D.C. No. 3:10-cv-00479-PK

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Anna J. Brown, District Judge, Presiding

Submitted August 14, 2013\*\*

Before: SCHROEDER, GRABER, and PAEZ, Circuit Judges.

Oregon state prisoner Matthew Robert Young appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action alleging constitutional violations in connection with defendants' handling of his incoming and outgoing

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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).

mail. We have jurisdiction under 28 U.S.C. § 1291. We review de novo summary judgment. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment on Young’s claim that defendants improperly opened a letter from an attorney’s office and replaced it with a forgery because Young failed to raise a genuine dispute of material fact as to whether the letter was a forgery or had been tampered with. *See Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1061 (9th Cir. 2011) (“To survive summary judgment, a plaintiff must set forth non-speculative evidence of specific facts, not sweeping conclusory allegations.”).

The district court did not abuse its discretion in denying Young leave to amend his complaint because Young failed to attach a proposed amended complaint as required by local rule. *See Waters v. Weyerhaeuser Mortg. Co.*, 582 F.2d 503, 507 (9th Cir. 1978) (reviewing for an abuse of discretion and concluding that it was “clearly discretionary” for court to deny motion to amend for failure to attach proposed pleading as required by local rule).

Young’s contentions concerning the magistrate judge’s alleged bias and allegedly improper rulings are unpersuasive.

The opening brief, answering brief, and defendants’ supplemental excerpts

of record are ordered filed.

**AFFIRMED.**