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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LAWRENCE GEORGE HASH,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>C. WILLIAMS; et al.,</p> <p>Defendants - Appellees.</p>

No. 12-16316

D.C. No. 3:11-cv-00034-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Lawrence George Hash, a California state prisoner, appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging due process violations in connection with a prison disciplinary hearing. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391

* 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).

F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Hash failed to raise a genuine dispute of material fact as to whether he was improperly denied procedural protections during his disciplinary hearing. *See Superintendent v. Hill*, 472 U.S. 445, 454-55 (1985) (setting forth due process requirements in prison disciplinary proceedings).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Hash's contention regarding the alleged denial of a mental health evaluation is unpersuasive.

Hash's opposed motion for judicial notice, filed on April 16, 2013, is denied as unnecessary.

We grant defendants' motion to strike Hash's Fed. R. App. P. 28(j) letter, filed on August 14, 2013, because Hash attached evidence that was not part of the district court record.

AFFIRMED.