NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 02 2014

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U.S. COURT OF APPEALS

STEVEN A. MARTIN, Plaintiff - Appellant, v. B. MCKEE, Associate Warden; M LEA, Facility C Captain; K. M. CHASTAIN, Associate Warden; L. VILES, Correctional Officer; J. JOHNSON, Lieutenant; D. B. GAUTHREAUX, Correctional Officer; R. RAMOS, Sergeant; D. WHEELER, Psych; V. MINI, Counselor; D. MATTHEWS, Correctional Officer; D. CADE, Defendants - Appellees.	No. 09-17243 D.C. No. 2:04-CV-00756-LKK-JFM MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted January 22, 2014**

Before: D.W. NELSON, LEAVY, and THOMAS, Circuit Judges.

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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).

California prisoner Steven Martin ("Martin") appeals pro se from the entry of judgment in his 42 U.S.C. § 1983 action, following a unanimous verdict in appellee correctional officers' favor. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

The district court did not err in granting summary judgment to Captain Lea, Associate Warden McKee, Counselor Mini, Sergeant Ramos, Psychologist Wheeler, and Lieutenant Johnson (in part) on Martin's retaliation claim. Even if we assume, without deciding, that Martin was engaged in constitutionally protected conduct, he has not raised a genuine dispute of material fact as to whether a nexus existed between that protected activity and the alleged retaliation. *Huskey v. City of San Jose*, 204 F.3d 893, 899 (9th Cir. 2000).

The district court did not err in granting summary judgment on Martin's access-to-court claim. Martin failed to raise a genuine dispute of material fact as to whether Matthews prevented him from bringing an actionable claim. *See Lewis v. Casey*, 518 U.S. 343, 353 (1996); 02-CV-01058-GEB-JFM Docket No. 18.

The district court did not err in granting summary judgment to Captain Lea, Associate Warden Chastain, Counselor Cade, and Psychologist Wheeler for their actions as a committee. Martin failed to raise a genuine dispute of material fact as to whether the committee members took a retaliatory action by imposing "some

form of punishment" or taking an "adverse regulatory action." *Brodheim v. Cry*, 584 F.3d 1262, 1271 (9th Cir. 2009).

Finally, we affirm the district court's exclusion of Martin's proposed exhibits. Even if we presume that the district court erred, Martin has not shown that any such error "substantially prejudiced" him. *Harper v. City of Los Angeles*, 533 F.3d 1010, 1030 (9th Cir. 2008).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, nor arguments raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n. 2 (9th Cir. 2009) (per curiam).

AFFIRMED.