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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LONNIE L. BURTON, Plaintiff - Appellant, v. PAT GLEBE; et al., Defendants - Appellees.	No. 13-35782 D.C. No. 3:12-cv-05104-RBL MEMORANDUM[*]

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted September 23, 2014[**]

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges

Washington state prisoner Lonnie L. Burton appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Serrano v. Francis*, 345 F.3d 1071, 1082 (9th Cir. 2003). We affirm.

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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).

The district court properly granted summary judgment because Burton failed to raise a genuine dispute of material fact as to whether defendants deprived him of due process by confining him in administrative segregation for less than two months. *See Hewitt v. Helms*, 459 U.S. 460, 476-77 & n.9 (1983), *abrogated in part on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995) (due process requires (1) an informal, nonadversary evidentiary review sufficient both for the decision that an inmate represents a security threat and the decision to confine an inmate to administrative segregation pending completion of an investigation into misconduct charges against him, (2) some notice of the charges against him and an opportunity to present his views, and (3) periodic review of the confinement).

The district court did not abuse its discretion by denying Burton's discovery motions because Burton failed to show how the discovery he sought was relevant or how it would have precluded summary judgment. *See Tatum v. City & County of San Francisco*, 441 F.3d 1090, 1100 (9th Cir. 2006) (standard of review for a denial of a continuance for additional discovery); *Laub v. U.S. Dep't of Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003) (district court is vested with broad discretion to permit or deny discovery, and a decision to deny discovery will not be disturbed except upon the clearest showing of actual and substantial prejudice).

AFFIRMED.