

DEC 23 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RONNELL RAY HILL,

Plaintiff-Appellant,

v.

T. PETERSON, Correctional Officer,

Defendant-Appellee.

No. 15-17159

D.C. No. 1:11-cv-01071-LJO-MJS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, Chief Judge, Presiding

Submitted December 14, 2016**

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

Ronnell Ray Hill, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging a violation of his First Amendment right of access to the courts. We have jurisdiction under 28

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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

The district court properly granted summary judgment because Hill failed to raise a genuine dispute of material fact as to whether defendant caused an actual injury to a non-frivolous claim. *See Lewis v. Casey*, 518 U.S. 343, 348-49, 354-55 (1996) (setting forth elements of an access-to-courts claim and actual injury requirement).

The district court erred by adopting the magistrate judge's findings and recommendations without considering Hill's timely objections. However, the error was harmless because the facts and arguments raised in the objections were set forth in the parties' summary judgment papers that the district court reviewed de novo before entering its order.

AFFIRMED.