

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KEITH L. CLOSSON,

No. 18-35084

Plaintiff-Appellant,

D.C. No. 3:17-cv-05205-RBL

v.

MEMORANDUM*

ROY GONZALEZ, Correctional Manager,
Department of Corrections,

Defendant-Appellee.

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

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Washington state prisoner Keith L. Closson 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 to receive mail. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's ruling on cross-motions for

* 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).

summary judgment. *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 970 (9th Cir. 2011). We affirm.

The district court properly granted summary judgment for defendant because Closson failed to raise a genuine dispute of material fact as to whether the prison's policy of rejecting incoming mail containing a detailed map of areas of Washington was not reasonably related to legitimate penological interests. *See Turner v. Safley*, 482 U.S. 78, 89 (1987) (a prison regulation that "impinges on inmates' constitutional rights" is valid "if it is reasonably related to legitimate penological interests").

We reject as without merit Closson's contentions regarding the applicability of *George v. Smith*, 507 F.3d 605 (7th Cir. 2007).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Closson's request that the appeal be heard on the full district court record (Docket Entry No. 6) is granted. Closson's request to attach the documents filed at Docket Entry No. 4 to his opening brief (Docket Entry No. 11) is denied as unnecessary because the documents are part of the district court record.

AFFIRMED.