

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 4 2023

FOR THE NINTH CIRCUIT

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

BRYAN DAMON PATTERSON,

No. 22-16512

Plaintiff-Appellant,

D.C. No. 1:22-cv-00138-JLT-BAM

v.

MEMORANDUM*

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION;
UNION SUPPLY DIRECT;
WALKENHORST, Vendor; ACCESS
SECURE PAK,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Jennifer L. Thurston, District Judge, Presiding

Submitted July 18, 2023**

Before: SCHROEDER, RAWLINSON, and BADE, Circuit Judges.

California state prisoner Bryan Damon Patterson appeals pro se from the district court's judgment dismissing his action brought under 42 U.S.C. § 1983 and

* 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).

the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court’s dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Patterson’s First Amendment free exercise and RLUIPA claims because Patterson failed to allege facts sufficient to establish that defendants’ actions placed a substantial burden on his religious exercise. *See Jones v. Williams*, 791 F.3d 1023, 1031-32 (9th Cir. 2015) (under the Free Exercise Clause, a substantial burden “must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert substantial pressure on an adherent to modify his behavior and to violate his beliefs” (citation and internal quotation marks omitted)); *Shakur v. Schriro*, 514 F.3d 878, 889 (9th Cir. 2008) (under RLUIPA, a burden is substantial if a prison “intentionally puts significant pressure on inmates . . . to abandon their religious beliefs” (alteration in original, citation and internal quotation marks omitted)).

The district court properly dismissed Patterson’s Fourteenth Amendment equal protection claim because Patterson failed to allege facts sufficient to show that any defendant intentionally discriminated against him on the basis of his religion. *See Hartmann v. Cal. Dep’t of Corrs. & Rehab.*, 707 F.3d 1114, 1123 (9th Cir. 2013) (requirements for an equal protection claim).

The district court properly dismissed Patterson’s Eighth Amendment claim because Patterson failed to allege facts sufficient to show deliberate indifference. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (requirements for an Eighth Amendment violation in the prison context).

The district court did not abuse its discretion by denying further leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that leave to amend may be denied when amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (explaining that “the district court’s discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint” (citation and internal quotation marks omitted)).

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).

Patterson’s motion for court response and docket sheet (Docket Entry No. 7) is denied as moot.

AFFIRMED.