

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 6 2026

FOR THE NINTH CIRCUIT

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

ERIC L. GONZALEZ,

Plaintiff - Appellant,

v.

Doctor ROBERT KORANDA,

Defendant - Appellee,

and

BRIAN LUTZ, CALIFORNIA BOARD OF
PAROLE HEARINGS, Forensic
Assessment Division, CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION,

Defendants.

No. 24-6823

D.C. No.

2:22-cv-01345-KJM-CSK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted May 6, 2026**

* 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).

Before: O'SCANNLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges.

California state prisoner Eric Gonzalez appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging a First Amendment free exercise claim against Robert Koranda, a forensic psychologist employed by the Board of Parole Hearings. Gonzalez claimed that Dr. Koranda violated his free exercise rights during a parole psychological evaluation by stating that faith-based programs did not qualify as self-help programs or rehabilitation for Gonzalez's particular crimes for parole purposes. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo the district court's grant of summary judgment, *Long v. Sugai*, 91 F.4th 1331, 1336 (9th Cir. 2024), and we affirm.

Summary judgment was proper on Gonzalez's free exercise claim. Gonzalez failed to offer sufficient evidence to establish that Dr. Koranda's refusal to credit faith-based programming as self-help or rehabilitation substantially burdened Gonzalez's religious practice. *See Jones v. Williams*, 791 F.3d 1023, 1031-32 (9th Cir. 2015) (explaining that a substantial burden "must have 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") (internal quotation marks omitted).

The district court did not err in refusing to consider new facts and claims alleged for the first time in summary judgment proceedings and after discovery had

closed. *See Wasco Prod., Inc. v. Southwall Tech., Inc.*, 435 F.3d 989, 992 (9th Cir. 2006) (“summary judgment is not a procedural second chance to flesh out inadequate pleadings”) (internal quotation marks omitted). Nor did the district court abuse its discretion in denying Gonzalez leave to amend his complaint to add the same new claims and factual allegations while summary judgment was pending. *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1295 (9th Cir. 2000) (finding no abuse of discretion in denying leave to amend where the new theory of liability was raised for the first time during summary judgment and the movant failed to establish diligence in seeking leave to amend).

The district court did not abuse its discretion by denying Gonzalez’s motion to transfer venue. The complaint was properly filed in the Eastern District of California where two defendants reside. *See* 28 U.S.C. § 1391(b)(1) (providing that venue is proper in any judicial district in which any defendant resides if all defendants are residents of the state in which the district is located); *Montana Wildlife Fed’n v. Haaland*, 127 F.4th 1, 32 (9th Cir. 2025) (setting forth the standard of review).

AFFIRMED.