

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 1 2026

FOR THE NINTH CIRCUIT

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

JOHN O. MILLER,

Plaintiff - Appellant,

v.

MELISSA WOOFER; BOWMAN
SMELKO; STEFFANI TURNER;
CYNTHIA WOLKEN,

Defendants - Appellees.

No. 25-2995

D.C. No.

6:23-cv-00075-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Montana state prisoner John O. Miller appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Jones v.*

* 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).

Slade, 23 F.4th 1124, 1133 (9th Cir. 2022). We affirm.

The district court properly granted summary judgment on Miller’s free exercise claim because Miller failed to raise a genuine dispute of material fact as to whether the prison’s group cognitive behavioral therapy rules were not reasonably related to a legitimate penological interest. *See Turner v. Safley*, 482 U.S. 78, 89 (1987) (“[W]hen a prison regulation impinges on inmates’ constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests.”).

The district court properly granted summary judgment on Miller’s equal protection claim because Miller failed to raise a genuine dispute of material fact as to whether he was intentionally treated differently from similarly situated inmates based on his religion. *See Thornton v. City of St. Helens*, 425 F.3d 1158, 1167 (9th Cir. 2005) (“An equal protection claim will not lie by conflating all persons not injured into a preferred class receiving better treatment than the plaintiff.” (internal quotation marks omitted)).

Miller’s request for judicial notice, set forth in his reply brief, is denied.

AFFIRMED.