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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN HARDNEY,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ANTHONY LAMARQUE, Warden; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-17464

D.C. No. 2:04-cv-00476-JAM-KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted September 22, 2010**

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

The district court properly granted summary judgment because the uncontroverted evidence shows that defendants' alleged acts or omissions did not

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

cause Hardney's untimely filing of a habeas petition. *See Vandelft v. Moses*, 31 F.3d 794, 797-98 (9th Cir. 1994) (prisoner alleging inadequate access to courts must show how inadequate access caused actual injury); *see also Glenn K. Jackson Inc. v. Roe*, 273 F.3d 1192, 1202 (9th Cir. 2001) (“[A] district court may grant summary judgment on any legal ground the record supports.”) (citation and internal quotation marks omitted).

Hardney's remaining contentions are unpersuasive.

AFFIRMED.