

OCT 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARMANDO v. MUNOZ,

Plaintiff - Appellant,

V.

JAMES TILTON; JEANNE S.
WOODFORD; SUZAN HUBBARD,
Warden; N. GRANNIS; B. HEDRICK; W.
J. HILL; BEN CURRY; ANTHONY P.
KANE,

Defendants - Appellees.

No. 13-16203

D.C. No. 5:07-cv-03846-EJD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward J. Davila, District Judge, Presiding

Submitted October 8, 2014**
San Francisco, California

Before: O'SCANNLAIN, THOMAS, and McKEOWN, Circuit Judges.

* 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).

Armando Munoz appeals the district court's dismissal of his lawsuit brought pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc to -cc5. We affirm the district court's dismissal.

I

The district court correctly determined that Munoz's lawsuit is now moot. In September 2009, Munoz was transferred away from the Correctional Training Facility in Soledad, California to another prison. Since transferring, he has received numerous religious CDs and admits that all of his religious needs are being met. The district court was correct in determining that his claims for injunctive and declaratory relief are moot. *See Alvarez v. Hill*, 667 F.3d 1061, 1063–64 (9th Cir. 2012).

II

The district court did not abuse its discretion in denying Munoz leave to amend his complaint. The court had already given Munoz one opportunity to amend his complaint with the assistance of counsel and further amendment would likely have been futile. *See U.S. Mortg., Inc. v. Saxton*, 494 F.3d 833, 843 n.11 (9th Cir. 2007), *abrogated on other grounds by Proctor v. Vishay Intertechnology Inc.*, 584 F.3d 1208 (9th Cir. 2009).

AFFIRMED.