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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JERARDO RODRIGUEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DENISE G. FJORDBECK, Asst. Atty. General; et al.,</p> <p>Defendants - Appellees.</p>
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No. 13-35664

D.C. No. 3:13-cv-00414-HU

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Anna J. Brown, District Judge, Presiding

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Jerardo Rodriguez appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that defendants conspired to deprive him of his constitutional rights in a prior action. We review de novo the

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\* 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).

district court's dismissal under 28 U.S.C. § 1915(e)(2). *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Rodriguez's action because this court has already determined that Rodriguez did not suffer any prejudice when the district court permitted defendants to amend their answer in a prior action. *See Woodrum v. Woodward County, Okla.*, 866 F.2d 1121, 1126 (9th Cir. 1989) (affirming dismissal where plaintiff alleged conspiracy under § 1983 but did not show that any actual deprivation of his constitutional rights resulted from the alleged conspiracy).

The district court did not abuse its discretion in denying leave to amend because, in the absence of an actual injury, any 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 district court may dismiss without leave to amend when amendment would be futile).

The district court did not abuse its discretion in denying Rodriguez's post-judgment motion because Rodriguez failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration).

We reject as without merit Rodriguez's contention of judicial bias.

Rodriguez's motion to transfer this appeal to another tribunal and to expedite review, filed on October 31, 2014, is denied as moot.

**AFFIRMED.**