

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HARRY VERN FOX,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>HENRY RICHARDS; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 07-35678

D.C. No. CV-06-05063-RBL

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Ronald B. Leighton, District Judge, Presiding

Submitted November 17, 2009\*\*

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Harry Vern Fox, a civil detainee, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging various constitutional

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

violations arising from his confinement. We have jurisdiction pursuant to 28 U.S.C. § 1291. We affirm.

By failing to identify the issues he sought to appeal in his opening brief, Fox has waived any arguments that the district court erred in disposing of his claims. *See Entm't Research Group, Inc. v. Genesis Creative Group, Inc.*, 122 F.3d 1211, 1217 (9th Cir. 1997) (“We review only issues which are argued specifically and distinctly in a party’s opening brief. We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim.”) (citations omitted); *Wilcox v. Comm’r*, 848 F.2d 1007, 1008 n.2 (9th Cir. 1988) (explaining that arguments not raised on appeal by a pro se litigant are deemed abandoned).

We have already considered and denied Fox’s requests for appointment of counsel.

**AFFIRMED.**