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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZAKIYA VAUGHN, et al.,

Plaintiff - Appellant,

v.

SACRAMENTO CITY POLICE,

Defendant - Appellee.

No. 08-17226

D.C. No. 2:07-cv-01119-LKK-
KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Zakiya Vaughn and her children appeal pro se from the district court's summary judgment in their 42 U.S.C. § 1983 action alleging Fourteenth

* 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).

Amendment violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Conlon v. United States*, 474 F.3d 616, 621 (9th Cir. 2007), and we affirm.

The district court properly granted summary judgment because plaintiffs failed to raise a triable issue of material fact as to whether the Sacramento City Police had a custom or practice of ignoring the safety of African-American individuals when searching premises for criminal suspects. *See* Fed. R. Civ. P. 36(a)(3) (deeming admitted matters set forth in a request for admission unless the party to whom the request is directed responds within 30 days); *Conlon*, 474 F.3d at 621 (“Unanswered requests for admissions may be relied on as the basis for granting summary judgment.”).

AFFIRMED.