

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 02 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLARENCE A. GIPBSIN, AKA Clarence
Gibson,

Plaintiff - Appellant,

v.

WALKER,

Defendant - Appellee.

No. 09-15362

D.C. No. 1:00-cv-05381-WMW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William M. Wunderlich, Magistrate Judge, Presiding

Submitted February 16, 2010**
San Francisco, California

Before: HUG, BEEZER and HALL, Circuit Judges.

Prisoner Clarence Gipbsin appeals pro se the district court's judgment in favor of defendant Walker following a jury trial in Gipbsin's action alleging

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

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

excessive use of force. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gipbsin has waived the claims he raises on appeal because he does not show that he raised them before the district court, nor does he support them with any analysis, legal argument, citation to authority, or record evidence. To preserve an issue for appeal, the appellant must show that he raised that issue before the district court. Tennison v. Circus Circus Enters., Inc., 244 F.3d 684, 689 (9th Cir. 2001). The appellant must also do more in his briefing than summarily assert that the district court erred. Sekiya v. Gates, 508 F.3d 1198, 1200 (9th Cir. 2007); Indep. Towers of Wash. v. State of Wash., 350 F.3d 925, 929–30 (9th Cir. 2003).

Here, Gipbsin makes no showing that he raised any of his appellate issues at trial. Nor does he make any assertions of district court error that are specific enough for us to review. The issues he raises on appeal are therefore waived.

AFFIRMED.