

OCT 12 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GENGHIS KHAN A. STEVENSON,

Plaintiff - Appellant,

v.

R. HARMON, Correctional Officer; et al.,

Defendants - Appellees.

No. 09-56560

D.C. No. 3:07-cv-01619-W-NLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Thomas J. Whelan, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Genghis Khan A. Stevenson, a California state prisoner, appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging that correctional officers retaliated against him for filing prison grievances. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion.

* 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).

Childress v. Darby Lumber, Inc., 357 F.3d 1000, 1009 (9th Cir. 2004). We affirm.

Stevenson contends that the district court abused its discretion by entering summary judgment before he had adequate time to conduct discovery and oppose summary judgment. There was no abuse of discretion because almost seven months elapsed between the time the motion for summary judgment was filed and when it was granted, the district court granted Stevenson's motion for an extension of time and motion for a continuance under Federal Rule of Civil Procedure 56(f), and Stevenson did not make any further requests for additional time to file an opposition. *See Foti v. City of Menlo Park*, 146 F.3d 629, 638 (9th Cir. 1998) (courts of appeal generally do not consider an issue not addressed in district court).

Stevenson's contention that the district court erred by adopting the magistrate judge's report and recommendations before Stevenson had the opportunity to file objections is also unpersuasive because he was in possession of the report and recommendation for over two weeks before objections were due and did not seek additional time to file objections. *See id.*; *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise.”).

AFFIRMED.