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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DESHA M. CARTER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>S. BUTLER and S. ROUSSEAU,</p> <p>Defendants - Appellees.</p>
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No. 10-15261

D.C. No. 1:05-cv-01057-LJO-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O’SCANNLAIN, and FISHER, Circuit Judges.

Former California state prisoner Desha M. Carter appeals pro se from the district court’s judgment following a jury trial in his 42 U.S.C. § 1983 action alleging violations of his Eighth Amendment and due process rights. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the

* 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 ruling on a motion to continue, *Danjaq LLC v. Sony Corp.*, 263 F.3d 942, 961 (9th Cir. 2001), and we affirm.

The district court did not abuse its discretion in denying Carter's motions for a continuance because the likely utility of the continuance was low, the continuance would have seriously inconvenienced the court and defendants, and Carter has failed to establish that he was prejudiced by the denial. *See United States v. Flynt*, 756 F.2d 1352, 1359 (9th Cir. 1985).

AFFIRMED.