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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BENNIE DIXON, Plaintiff - Appellant, v. CHIEF WILLIAM LANSDOWNE, San Diego Police Department; et al., Defendants - Appellees.	No. 09-17413 D.C. No. 3:06-cv-02027-JAH-CAB MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted August 11, 2011**

Before: THOMAS, SILVERMAN, and CLIFTON, Circuit Judges.

Bennie Dixon appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging false arrest and excessive force claims. We

* 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).

have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Luchtel v. Hagemann*, 623 F.3d 975, 978 (9th Cir. 2010), and we affirm.

The district court properly granted summary judgment as to Dixon's false arrest claim because the undisputed facts indicate that probable cause existed to arrest Dixon. *See Norse v. City of Santa Cruz*, 629 F.3d 966, 978 (9th Cir. 2010) (en banc) (to prevail on the merits of a false arrest claim, a plaintiff must "demonstrate that there was no probable cause to arrest").

The district court properly granted summary judgment as to Dixon's excessive force claim based on qualified immunity because Dixon failed to raise a genuine dispute of material fact as to whether the officers used an unreasonable amount of force in subduing him, and "a reasonable officer could have thought the force used was needed[.]" *Luchtel*, 623 F.3d at 982-83.

AFFIRMED.