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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JESSE GRANT, III,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>W. CHEA, Officer #1675, Alameda County; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 10-17902

D.C. No. 5:07-cv-06191-JF

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Jeremy D. Fogel, District Judge, Presiding

Submitted February 21, 2012\*\*

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

California state prisoner Jesse Grant, III, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging excessive force in connection with his arrest. We have jurisdiction under 28 U.S.C. § 1291. We

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\* 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).

review de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment on Grant's excessive force claims because Grant failed to raise a genuine dispute of material fact as to whether either Varela or Chea was driving the vehicle that allegedly struck Grant's motorcycle. *See Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) ("There is ... no genuine issue of fact if, on the record taken as a whole, a rational trier of fact could not find in favor of the party opposing the motion.")

The district court did not abuse its discretion by denying Grant's motion for reconsideration because Grant provided no basis for reconsideration. *See Sch. Dist. No. 1J, Multnomah Cnty., Or v. AcandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Federal Rule of Civil Procedure 59(e) or 60).

Grant's remaining contentions are unpersuasive.

**AFFIRMED.**