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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOE RAUL HERNANDEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>OFFICER SERRANO,</p> <p>Defendant - Appellee.</p>

No. 11-55831

D.C. No. 2:08-cv-07607-VAP-
FFM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

California state prisoner Joe Raul Hernandez appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging excessive force.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Arpin v. Santa*

* 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).

Clara Valley Transp. Agency, 261 F.3d 912, 919 (9th Cir. 2001). We affirm.

The district court properly granted summary judgment in favor of Officer Serrano because Hernandez failed to raise a genuine dispute of material fact as to whether Officer Serrano's use of a K-9 dog to effectuate Hernandez's arrest was objectively reasonable under the circumstances. *See Long v. City & County of Honolulu*, 511 F.3d 901, 905 (9th Cir. 2007) ("In a Fourth Amendment excessive force case, defendants can still win on summary judgment if the district court concludes, after resolving all factual disputes in favor of the plaintiff, that the officer's use of force was objectively reasonable under the circumstances.") (citation and internal quotation marks omitted).

AFFIRMED.