

JAN 17 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAYMOND WRIGHT,

Plaintiff - Appellant,

v.

L. RUMBLES,

Defendant - Appellee.

No. 12-15278

D.C. No. 1:05-cv-01485-BAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Barbara McAuliffe, Magistrate Judge, Presiding**

Submitted January 15, 2013***

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Raymond Wright, a California state prisoner, appeals pro se from the district court's judgment following a jury trial in his 42 U.S.C. § 1983 action alleging that

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

defendant violated his Eighth Amendment rights. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

We affirm the district court's judgment because Wright has failed to identify the relevant trial transcripts to enable us to review the alleged errors. On August 9, 2012, this court denied Wright's request for full transcripts of the trial without prejudice to renewal, showing which portions of the transcript are necessary to decide the issues presented. Wright has failed to respond. Accordingly, we are unable to review his contentions challenging the district court evidentiary rulings. *See* Fed. R. App. P. 10(b)(2); *Syncom Capital Corp. v. Wade*, 924 F.2d 167, 169 (9th Cir. 1991) (per curiam) (dismissing appeal by pro se appellant for failure to provide relevant trial transcripts).

We do not address Wright's jury bias argument because Wright failed to raise it in his opening brief. *See Liberal v. Estrada*, 632 F.3d 1064, 1072 n.6 (9th Cir. 2011) (arguments raised for the first time in a reply brief are waived).

AFFIRMED.