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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BRYANT ALLEN,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>S. M. ROCHE, Chief Medical Officer; T. FELKER, Warden,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 12-16133

D.C. No. 2:09-cv-03068-JAM-CKD

MEMORANDUM\*

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

Submitted February 11, 2013\*\*

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Bryant Allen, a California state prisoner, appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations and pendent state law claims in connection with the medical care he

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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).

received for his broken thumb. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002), and we affirm.

The district court properly granted summary judgment on Allen's pendent state law claims because Allen failed to comply with the presentment requirements of the California Tort Claims Act. *See Karim-Panahi v. L.A. Police Dep't*, 839 F.2d 621, 627 (9th Cir. 1988).

The district court did not abuse its discretion by denying Allen's motion to reconsider its summary judgment because Allen failed to establish any basis for reconsideration. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (reviewing for an abuse of discretion and setting forth grounds for reconsideration).

We do not consider issues that are not specifically and distinctly raised and argued in the opening brief, including those relating to summary judgment on Allen's deliberate indifference claim. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

**AFFIRMED.**