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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NICK WILLIAM WOODALL,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>A. RAYGOSA, CO,</p> <p>Defendant - Appellee.</p>
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No. 12-16480

D.C. No. 1:08-cv-01948-LJO-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Nick William Woodall, 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 deliberate indifference. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court’s rulings concerning discovery,

* 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).

including the imposition of discovery sanctions. *See Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817, 822 (9th Cir. 2011). We affirm.

The district court did not abuse its discretion in prohibiting Woodall from using an expert witness at trial because Woodall failed to disclose the witness in a timely manner and failed to show that his error was substantially justified or harmless. *See id.* at 827 (affirming the exclusion of medical expert testimony following a delay in proper disclosure); *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001) (this court affords “particularly wide latitude” to a district court’s decision to exclude testimony for failing to fulfill required disclosure requirements).

AFFIRMED.