

NOV 12 2013

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL EARL WATERS,

Plaintiff - Appellant,

v.

CITY OF CULVER CITY; BROTMAN  
MEDICAL CENTER, INC.; DON  
PEDERSEN; ADAM TREANOR; JESSE  
BUTLER; SCOTT NARIMATSU,

Defendants - Appellees.

No. 12-55585

D.C. No. 2:10-cv-09160-SJO-  
MAN

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

Submitted November 7, 2013\*\*  
Pasadena, California

Before: O'SCANNLAIN, GRABER, and BEA, Circuit Judges.

Michael Earl Waters appeals the district court's dismissal of his 42 U.S.C. § 1983 claim pursuant to Federal Rule of Civil Procedure 12(b)(6). He contends that

---

\* 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).

the district court erred in concluding that defendants Brotman Medical Center (“Brotman”) and Dr. Narimatsu were not “state actors.”

To state a § 1983 claim, Waters must allege not only that Brotman and Narimatsu were state actors, *see George v. Pacific–CSC Work Furlough*, 91 F.3d 1227, 1230 (9th Cir. 1996) (per curiam), but also that they acted with “deliberate indifference” in their failure to provide him adequate medical treatment, *see Clouthier v. Cnty. of Contra Costa*, 591 F.3d 1232, 1241, 1244 (9th Cir. 2010). We need not reach the state action issue because Waters has not adequately alleged deliberate indifference. *See Estelle v. Gamble*, 429 U.S. 97, 105–06 (1976).

Because dismissal of the § 1983 claim was proper, we do not disturb the district court’s decision to decline to exercise supplemental jurisdiction over Waters’s state law claims against Brotman and Narimatsu. 28 U.S.C. § 1367(c)(3).

**AFFIRMED.**