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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KAVIN MAURICE RHODES,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>R. SAILER; et al.,</p> <p>Defendants - Appellees.</p>

No. 13-55989

D.C. No. 2:08-cv-06419-DDP-DTB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

California state prisoner Kavin Maurice Rhodes appeals pro se from the district court’s judgment on the pleadings in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We review de novo. *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 713 (9th Cir. 2001). We affirm.

* 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 properly dismissed Rhodes's action because Rhodes failed to allege facts sufficient to show that defendants were deliberately indifferent to his hand injury. *See Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006) (to demonstrate deliberate indifference, the prisoner must show "a purposeful act or failure to respond to a prisoner's pain or possible medical need" and "harm caused by the indifference"); *cf. Keenan v. Hall*, 83 F.3d 1083, 1092 (9th Cir. 1996) ("[V]erbal harassment generally does not violate the Eighth Amendment.").

The district court did not abuse its discretion by declining to exercise supplemental jurisdiction over Rhodes's state law claims. *See Ove v. Gwinn*, 264 F.3d 817, 821, 826 (9th Cir. 2001) (setting forth standard of review and explaining that "[a] court may decline to exercise supplemental jurisdiction over related state-law claims once it has dismissed all claims over which it has original jurisdiction" (citation and internal quotation marks omitted)).

AFFIRMED.