

OCT 10 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERT ANTHONY GARCIA, Sr.,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DANIEL REBER, Glendale Police Officer Badge #15008; et al.,</p> <p>Defendants - Appellees.</p>
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No. 13-16890

D.C. No. 2:12-cv-01717-JAT-MHB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Arizona state prisoner Robert Anthony Garcia, Sr., appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging various constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We

* 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).

review de novo a dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Garcia's action because Garcia failed to allege facts sufficient to support one or more elements of his claims. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are liberally construed, plaintiff must allege sufficient facts to state a plausible claim); *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004) (conclusory allegations, unwarranted deductions, or unreasonable inferences need not be accepted as true); *see also Samson v. California*, 547 U.S. 843, 848 (2006) (claim for unreasonable search); *Graham v. Connor*, 490 U.S. 386, 395 (1989) (excessive force); *Marsh v. County of San Diego*, 680 F.3d 1148, 1154-55 (9th Cir. 2012) (due process); *Rhodes v. Robinson*, 408 F.3d 559, 567-68, n.11 (9th Cir. 2005) (retaliation in the prison context); *Gritchen v. Collier*, 254 F.3d 807, 812 (9th Cir. 2001) (violation of 42 U.S.C. § 1983).

Garcia's motion to supplement the record on appeal is granted. However, we do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.