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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DONNIE ROMONE TWIGGS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ROBERT SANDOVAL, Police Officer, # 8362; et al.,</p> <p>Defendants - Appellees.</p>
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No. 13-17638

D.C. No. 2:13-cv-00765-JAT-MHB

MEMORANDUM\*

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

Submitted January 21, 2015\*\*

Before: CANBY, GOULD, and N.R. SMITH, Circuit Judges.

Arizona state prisoner Donnie Romone Twiggs appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging excessive force and other claims in connection with his arrest. We have jurisdiction under 28

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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).

U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

We affirm the district court’s dismissal of the action because Twiggs failed to raise any argument in his opening brief concerning any claim alleged in the operative complaint. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[A]rguments not raised by a party in its opening brief are deemed waived.”).

We reject Twiggs’s arguments related to striking testimony because no testimony was before the district court in this action.

All pending motions are denied.

**AFFIRMED.**