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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KEITH R. BRIDGEWATER,

Plaintiff - Appellant,

v.

SWEENY, LVN,

Defendant - Appellee.

No. 14-15782

D.C. No. 2:11-cv-01216-TLN-
CMK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted June 22, 2015**

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Keith R. Bridgewater, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging retaliation. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Brodheim v. Cry*, 584 F.3d 1262, 1267 (9th Cir. 2009), and 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 granted summary judgment because Bridgewater failed to raise a genuine dispute of material fact as to whether defendant took an adverse action against Bridgewater in response to his protected conduct. *See id.* at 1269-71 (setting forth elements of a retaliation claim in the prison context, and noting that “a plaintiff must show that his protected conduct was the substantial or motivating factor behind the defendant’s conduct” (citation and internal quotation marks omitted)).

We do not consider arguments raised for the first time on appeal or matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Defendant’s motion to strike, filed on January 23, 2015, is denied.

AFFIRMED.