

JUL 30 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID E. EDWARDS,

Plaintiff - Appellant,

v.

CLAREY, Correctional Officer,

Defendant - Appellee.

No. 14-15638

D.C. No. 2:11-cv-01725-TLN-
EFB

MEMORANDUM*

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

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

California state prisoner David E. Edwards appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that defendant subjected him to an unconstitutional search. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Travelers Prop. Cas. Co. of Am. v. ConocoPhillips*

* 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).

Co., 546 F.3d 1142, 1145 (9th Cir. 2008). We affirm.

The district court properly granted summary judgment because Edwards failed to raise a genuine dispute of material fact as to whether the visual, partially clothed search was unreasonable under the Fourth Amendment. *See Byrd v. Maricopa Cnty. Sheriff's Dep't*, 629 F.3d 1135, 1141 (9th Cir. 2011) (en banc) (explaining that “[w]hether a search is reasonable under the Fourth Amendment requires a case-by-case balancing of the need for the particular search against the invasion of personal rights that the search entails,” and setting forth factors for the court to consider (citation and internal quotation marks omitted)).

The district court did not abuse its discretion in denying Edwards’s motion to strike a document because the document fell within the public records exception to the hearsay rule. *See Fed. R. Evid. 803(8)(A)(i); Hambleton Bros. Lumber Co. v. Balkin Enters., Inc.*, 397 F.3d 1217, 1224 n.4 (9th Cir. 2005) (standard of review).

AFFIRMED.