

SEP 04 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTINEZ AYTCH,

Plaintiff - Appellant,

v.

CYNTHIA SABLICA; et al.,

Defendants - Appellees.

No. 13-17387

D.C. No. 2:08-cv-01773-VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Cam Ferenbach, Magistrate Judge, Presiding**

Submitted August 25, 2015***

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Nevada state prisoner Martinez Atych appeals pro se from the district court's judgment following a jury verdict in his 42 U.S.C. § 1983 action alleging that

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

prison officials were deliberately indifferent to his dental needs. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

We cannot review Atych's claims of error at trial because Atych failed to provide a trial transcript. *See* Fed. R. App. P. 10(b)(2); *Syncom Capital Corp. v. Wade*, 924 F.2d 167, 169 (9th Cir. 1991) (per curiam) (dismissing appeal by pro se appellant for failure to provide trial transcripts).

The district court did not abuse its discretion in denying Atych's motion to compel discovery, or his motion for an extension of time to complete discovery, because Atych failed to establish that the denials caused substantial prejudice. *See Mabe v. San Bernardino Cnty., Dep't of Pub. Soc. Servs.*, 237 F.3d 1101, 1112 (9th Cir. 2001) (stating standard of review); *Hallet v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002) (explaining that a district court's decision to deny discovery "will not be disturbed except upon the clearest showing that denial of discovery results in actual and substantial prejudice to the complaining litigant" (citation and internal quotation marks omitted)).

AFFIRMED.