

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 6 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PAUL NAVICKY,

Plaintiff - Appellant,

v.

AARON GEVATOSKY; et al.,

Defendants - Appellees.

No. 14-35671

D.C. No. 6:12-cv-00567-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief Judge, Presiding

Submitted May 24, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Paul Navicky appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging violations of his Fourth Amendment rights.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Ramirez v.*

City of Buena Park, 560 F.3d 1012, 1019 (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 Navicky failed to raise a genuine dispute of material fact as to whether the defendants did not have an objectively reasonable basis for conducting a warrantless search of Navicky's home and whether the scope and manner of the search were unreasonable. *See United States v. Snipe*, 515 F.3d 947, 952 (9th Cir. 2008) (the emergency exception to the Fourth Amendment applies where “(1) considering the totality of the circumstances, law enforcement had an objectively reasonable basis for concluding that there was an immediate need to protect others or themselves from serious harm; and (2) the search’s scope and manner were reasonable to meet the need”).

We do not address Navicky's argument, raised for the first time on appeal, that defendants made misrepresentations in their affidavits in support of the search warrant. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.