

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 16 2017

FOR THE NINTH CIRCUIT

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

BOBBY C. RICHARDSON,

No. 15-15982

Plaintiff-Appellant,

D.C. No. 2:12-cv-01931-GEB-AC

v.

MEMORANDUM*

SAM PETERSON, Police Officer; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted March 8, 2017**

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

Bobby C. Richardson 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. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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 for defendants Peterson, Bloch, Harris, and Bidou because Richardson failed to raise a genuine dispute of material fact as to whether: (1) Harris lacked consent to enter Richardson's residence; (2) Richardson's arrests by defendants were not supported by probable cause; or (3) the force used on Richardson by defendants in connection with his arrests was not objectively reasonable. *See Georgia v. Randolph*, 547 U.S. 103, 106 (2006) (consent exception to warrant requirement); *Graham v. Connor*, 490 U.S. 386, 396-97 (1989) (excessive force objective reasonableness standard); *Beier v. City of Lewiston*, 354 F.3d 1058, 1065 (9th Cir. 2004) (probable cause standard).

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

AFFIRMED.