

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2017

FOR THE NINTH CIRCUIT

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

SEAN DANAHY CONNELLY,

No. 15-15726

Plaintiff-Appellant,

D.C. No. 2:12-cv-02283-FJM

v.

MEMORANDUM\*

BRENT FREYBERGER; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Arizona  
Frederick J. Martone, District Judge, Presiding

Submitted May 24, 2017\*\*

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,  
Circuit Judges.

Sean Danahy Connelly appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging excessive force. We review for an abuse of discretion the denial of motions for appointment of counsel, *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009), and rulings on discovery issues, *Laub v.*

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\* 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).

*U.S. Dep't of Interior*, 342 F.3d 1080, 1084 (9th Cir. 2003). We affirm.

The district court did not abuse its discretion by denying Connelly's motions for appointment of counsel because Connelly did not demonstrate any exceptional circumstances. *See Palmer*, 560 F.3d at 970 (setting forth "exceptional circumstances" requirement for appointment of counsel).

The district court did not abuse its discretion by denying Connelly's "motion for discovery requests." *See Laub*, 342 F.3d at 1093 ("A district court is vested with broad discretion to permit or deny discovery, and a decision to deny discovery will not be disturbed except upon the clearest showing that the denial of discovery results in actual and substantial prejudice to the complaining litigant." (citation and internal quotation marks omitted)).

We reject as unsupported by the record Connelly's contention that the district court ignored his request to amend the complaint.

Connelly does not challenge the district court's summary judgment for defendants in his opening brief and has therefore waived any objection to the district court's summary judgment on appeal. *See Paladin Assocs., Inc. v. Mont.*

*Power Co.*, 328 F.3d 1145, 1164 (9th Cir. 2003).

**AFFIRMED.**