

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 30 2017

FOR THE NINTH CIRCUIT

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

STANLEY RIMER,

No. 16-15384

Plaintiff-Appellant,

D.C. No. 2:13-cv-01440-JCM-  
GWF

v.

BRIAN SANDOVAL; et al.,

MEMORANDUM\*

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Nevada  
James C. Mahan, District Judge, Presiding

Submitted June 26, 2017\*\*

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

Nevada state prisoner Stanley Rimer appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Lemire v. Cal. Dep't of Corr. & Rehab.*, 726 F.3d 1062, 1074 (9th

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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).

Cir. 2013). We affirm.

The district court properly granted summary judgment because Rimer failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his anxiety condition. *See id.* at 1074, 1081-82 (a prison official acts with deliberate indifference only if he or she knows of and disregards a substantial risk of harm to the prisoner; “[m]ere indifference,” negligence, or medical malpractice are insufficient to establish deliberate indifference).

We reject as meritless Rimer’s contentions that the district court violated his constitutional rights and was biased.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**