

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 11 2017

FOR THE NINTH CIRCUIT

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

JAMES MICHAEL MURPHY, MD,

No. 15-35397

Plaintiff-Appellant,

D.C. No. 3:14-cv-01135-SI

v.

MEMORANDUM*

NITA GOSS, in her individual capacity as
Health Professionals Program Coordinator,
Oregon Medical Board; W. KENT
WILLIAMSON, in his individual capacity
as Board Chair of Oregon Medical Board;
KATHLEEN HALEY, as the Executive
Director of the Oregon Medical Board,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Michael H. Simon, District Judge, Presiding

Submitted June 7, 2017**
Portland, Oregon

Before: TASHIMA, GOULD, and RAWLINSON, Circuit Judges.

Dr. James Murphy appeals a district court's order granting summary

* 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).

judgment in favor of Defendants Nita Goss, W. Kent Williamson, and Kathleen Haley on Murphy's due process and equal protection claims. Dr. Murphy contends that Defendants knowingly made a false statement when reporting Dr. Murphy's discipline by the Oregon Medical Board to the National Practitioner Data Bank (Data Bank). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

The district court did not err in concluding that Defendants are immune from liability under 42 U.S.C. § 11137(c). The record contains no evidence that Defendants knew that any information Goss submitted to the Data Bank in relation to Dr. Murphy's discipline was false.

AFFIRMED.