

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 3 2017

FOR THE NINTH CIRCUIT

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

SAMUEL GARDNER ELDREDGE,

Plaintiff-Appellant,

v.

WALE OLUMUYIWA OLUKANMI,
Physician Assistant, P.A., individual and
official capacity,

Defendant-Appellee.

No. 16-55188

D.C. No. 2:14-cv-08046-JFW-FFM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

California state prisoner Samuel Gardner Eldredge 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

* 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.C. § 1291. We affirm.

In his opening brief, Eldredge fails to address how the district court erred in granting summary judgment on his deliberate indifference claims and thus this issue is waived. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .”).

We do not consider Eldredge’s contentions regarding any alleged legal malpractice committed by the attorneys who represented him in the district court proceedings because such contentions are outside the scope of this appeal.

AFFIRMED.