NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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U.S. COURT OF APPEALS

JASON ERIC SONNTAG, Plaintiff - Appellant, v. DENNIS BALAAM; et al., Defendants - Appellees.	No. 11-16149 D.C. No. 3:07-cv-00311-RCJ-RAM MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, Chief Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Jason Eric Sonntag appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that defendants used excessive force against him and violated his constitutional rights by subjecting him to a strip

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

search while he was a pretrial detainee. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Gibson v. County of Washoe, Nev.*, 290 F.3d 1175, 1180 (9th Cir. 2002). We affirm.

The district court properly granted summary judgment on Sonntag's excessive force claim because Sonntag failed to raise a genuine dispute of material fact as to whether the force used to transfer him to administrative segregation and the threatened use of a taser were unreasonable or amounted to punishment. *See id.* at 1197 (Fourteenth Amendment protects a pretrial detainee from excessive force that is unreasonable or amounts to punishment); *see also Byrd v. Maricopa Cnty. Sheriff's Dep't.*, 629 F.3d 1135, 1140 (9th Cir. 2011) (en banc) (search of pretrial detainee due to security concerns, including suspicion of contraband, did not violate due process because it was related to legitimate goals and was not intended to punish); *Mitchenfelder v. Sumner*, 860 F.2d 328, 334-36 (9th Cir. 1998) (upholding threatened use of a taser by prison officials as a means to ensure compliance with a search).

The district court properly granted summary judgment on Sonntag's strip search claim because Sonntag failed to raise a genuine dispute of material fact as to whether the search was unreasonable. *See Byrd*, 629 F.3d at 1141 (outlining factors for determining whether search was reasonable); *Mitchenfelder*, 860 F.2d at

332-33 (upholding the use of routine strip search procedures); *see also Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) (the nonmoving party cannot avoid summary judgment by "relying solely on conclusory allegations unsupported by factual data").

We do not consider issues not specifically and distinctly raised and argued in the opening brief, including the dismissal with prejudice of Sonntag's claims relating to wrongful arrest, malicious prosecution, and challenging the conditions of his confinement. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

Sonntag's contention that a twenty-five hour placement in administrative segregation without a hearing violated his due process rights is unpersuasive. *See Cato v. Rushen*, 824 F.2d 703, 705 (9th Cir. 1987) (it is not unreasonable for prison administrators to transfer inmates temporarily to greater security regions pending an investigation).

AFFIRMED.