

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 11 2016

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

MARIAN ORR, D.O.,

Plaintiff - Appellant,

v.

NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE; PAUL
KALEKAS, D.O.; C. DEAN MILNE,
D.O.; RONALD HEDGER, D.O.; PAUL
EDWARDS, Esq.; DOES, Defendants I
through X, Inclusive; ROES, Corporations
A through Z, inclusive,

Defendants - Appellees.

No. 14-16445

D.C. No.
2:12-cv-02119-GMN-VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, Chief Judge, Presiding

Submitted August 9, 2016**
San Francisco, California

* 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).

Before: GRABER and McKEOWN, Circuit Judges, and LYNN,^{***} Chief District Judge.

Marian Orr appeals the district court’s order dismissing her 42 U.S.C. § 1983 claim alleging that the Nevada State Board of Osteopathic Medicine and its members (collectively, “the Board”) violated her Fourteenth Amendment procedural due process rights by imposing a \$250 fine as a condition for renewing her medical license. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court’s grant of the motion to dismiss. *Castle v. Eurofresh, Inc.*, 731 F.3d 901, 905 (9th Cir. 2013).

Orr received notice of the Board’s concerns with her license renewal application and, before imposing the fine, the Board afforded Orr an opportunity to attend a hearing with counsel and to present her arguments and evidence. This procedure met due process requirements under the Fourteenth Amendment. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985).

Orr’s claim that the Board failed to comply with Nevada’s statutory license renewal requirements in imposing the fine does not raise a federal constitutional claim and is not cognizable under § 1983. *See Collins v. City of Harker Heights*, 503 U.S. 115, 119 (1992) (holding that § 1983 “does not provide a remedy for

^{***} The Honorable Barbara M. G. Lynn, United States Chief District Judge for the Northern District of Texas, sitting by designation.

abuses that do not violate federal law”); *see also Loudermill*, 470 U.S. at 541
(noting that the process due under the Fourteenth Amendment “is not to be found”
in state statutory provisions).

AFFIRMED.