

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 3 2016

FOR THE NINTH CIRCUIT

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

LON DERRICK CARTER,

Plaintiff-Appellant,

v.

NICK DAWSON; KATHY MENDOZA-
POWERS,

Defendants-Appellees.

No. 15-15575

D.C. No. 1:07-cv-01325-AWI-
BAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

California state prisoner Lon Derrick Carter appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations in connection with his conditions of confinement. We review de novo,

* 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).

Toguchi v. Chung, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment because Carter failed to raise a genuine dispute of fact as to whether defendants caused Carter to contract a bacterial infection. *See Harper v. City of Los Angeles*, 533 F.3d 1010, 1026 (9th Cir. 2008) (“In a § 1983 action, the plaintiff must . . . demonstrate that the defendant’s conduct was the actionable cause of the claimed injury.”).

The district court properly denied Carter’s Fed. R. Civ. P. 56(d) motion to continue summary judgment to allow further discovery because Carter failed to identify specific facts to be obtained in discovery that would have precluded summary judgment. *See Qualls By & Through Qualls v. Blue Cross of Cal., Inc.*, 22 F.3d 839, 844 (9th Cir. 1994) (setting forth standard of review; district court properly denied Rule 56(f) (now Rule 56(d)) motion where additional requested discovery would not have precluded summary judgment).

The district court did not abuse its discretion in denying Carter’s motions to strike the declarations of J. Buck and L. Hansen. *See El Pollo Loco, Inc. v. Hashim*, 316 F.3d 1032, 1041 (9th Cir. 2003) (standard of review).

AFFIRMED.