

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 23 2019

FOR THE NINTH CIRCUIT

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

STEVE RIVERS,

Plaintiff-Appellant,

v.

JAGSIR S. SANDHU, M.D.; et al.,

Defendants-Appellees.

No. 18-16001

D.C. No. 1:15-cv-00276-LJO-BAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, Chief Judge, Presiding

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

California state civil detainee Steve Rivers appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging inadequate medical care. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's ruling on cross-motions for summary judgment. *Guatay Christian*

* 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).

Fellowship v. County of San Diego, 670 F.3d 957, 970 (9th Cir. 2011). We affirm.

The district court properly granted summary judgment for defendants because Rivers failed to raise a genuine dispute of material fact as to whether the defendants' conduct substantially departed from the accepted professional judgment, practice, or standards sufficient to establish a prima facie constitutional violation. *See Mitchell v. Washington*, 818 F.3d 436, 443 (9th Cir. 2016) (under Fourteenth Amendment professional judgment standard that applies to civil detainees, a professional's decision is presumptively valid and liability may be imposed only when the decision is a substantial departure from the accepted professional judgment, practice, or standards).

We do not consider facts not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) ("Documents or facts not presented to the district court are not part of the record on appeal.").

Rivers's motion for default judgment (Docket Entry No. 11) is denied.

AFFIRMED.