

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 23 2019

FOR THE NINTH CIRCUIT

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

RAYMOND ARTHUR GENTILE,

No. 18-16590

Plaintiff-Appellant,

D.C. No. 1:15-cv-00943-DAD-EPG

v.

MEMORANDUM*

U.S. FEDERAL MARSHAL,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted April 17, 2019**

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

Federal prisoner Raymond Arthur Gentile appeals pro se from the district court's judgment dismissing his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), 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 review de novo a dismissal under 28 U.S.C. § 1915A.

Wilhelm v. Rotman, 680 F.3d 1113, 1118 (9th Cir. 2012). We affirm.

The district court properly dismissed Gentile's action because Gentile failed to allege facts sufficient to state a plausible deliberate indifference claim against a proper defendant. *See FDIC v. Meyer*, 510 U.S. 471, 472 (1994) (federal agencies are not proper defendants in a *Bivens* action).

The district court did not abuse its discretion by denying further leave to file an amended complaint because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that district court may deny leave to amend where amendment would be futile).

AFFIRMED.