

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 28 2021

FOR THE NINTH CIRCUIT

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

MIKEAL GLENN STINE,

Plaintiff-Appellant,

v.

B. VON BLANKENSEE; et al.,

Defendants-Appellees.

No. 20-16393

D.C. No. 4:20-cv-00187-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Federal prisoner Mikeal Glenn Stine appeals pro se from the district court's order denying his motion for a preliminary injunction in his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging constitutional claims. We have jurisdiction under 28 U.S.C.

* 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).

§ 1292(a)(1). We review for an abuse of discretion. *Jackson v. City & County of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014). We affirm.

In his opening brief, Stine fails to raise, and has therefore waived, any challenge to the district court's denial of Stine's request for a preliminary injunction regarding his medication and medical devices. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant's opening brief.”); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant's opening brief are waived).

To the extent Stine raises a request for a preliminary injunction regarding his prison account, we do not consider his contentions because they were not raised in his motion for a preliminary injunction before the district court. *See Solis v. Matheson*, 563 F.3d 425, 437 (9th Cir. 2009) (arguments made for the first time on appeal and supported by facts not before the district court are waived).

AFFIRMED.