

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 24 2024

FOR THE NINTH CIRCUIT

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

MARLIN GIOVANNI PICKENS,

No. 23-35163

Plaintiff-Appellant,

D.C. No. 3:22-cv-05019-RSM

v.

MEMORANDUM*

VIRGINIA MASON FRANCISCAN
HEALTH, AKA Saint Joseph Medical
Center, Health Care Services - Emergency
Department; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted October 16, 2024**

Before: SILVERMAN, R. NELSON, and MILLER, Circuit Judges.

Marlin Giovanni Pickens appeals pro se from the district court's order denying his motion for reconsideration of its summary judgment in Pickens's 42

* 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). Pickens's request for oral argument, set forth in the opening brief, is denied.

U.S.C. § 1983 action alleging various claims arising out of two emergency department visits. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Guenther v. Lockheed Martin Corp.*, 972 F.3d 1043, 1058 (9th Cir. 2020) (motion for reconsideration); *Hinton v. Pac. Enters.*, 5 F.3d 391, 395 (9th Cir. 1993) (compliance with local rules). We affirm.

The district court did not abuse its discretion by denying Pickens's motion for reconsideration because Pickens failed to establish a basis for such relief. *See* W.D. Wash. R. 7(h)(1) (explaining that motions for reconsideration are disfavored and will be denied absent a showing of manifest error or new facts or legal authority that could not have been brought to the court's attention earlier with reasonable diligence).

We do not consider facts or documents not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

AFFIRMED.