NOT FOR PUBLICATION

FILED

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DERRICK DEAN COFFELT, Plaintiff - Appellant, v. KATHARINE R. SEMPLE, Defendant - Appellee.	No. 23-1902 D.C. No. 6:20-cv-00636-AR MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted June 18, 2025**

Before: CANBY, S.R. THOMAS, and SUNG, Circuit Judges.

Derrick Dean Coffelt appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action arising out of the recording and monitoring of two phone calls he made from jail. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d

* 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).

1253, 1259 (9th Cir. 2021). We affirm.

The district court properly granted summary judgment because Coffelt failed to raise a genuine dispute of material fact as to whether he had a reasonable expectation of privacy in the phone calls or whether either call involved his criminal defense attorney. *See Wolff v. McDonnell*, 418 U.S. 539, 576 (1974) (explaining that the Sixth Amendment's reach "is only to protect the attorney-client relationship from intrusion in the criminal setting"); *United States v. Van Poyck*, 77 F.3d 285, 290-91 (9th Cir. 1996) (explaining that "[t]he Fourth Amendment is not triggered unless the state intrudes into an area in which there is a constitutionally protected reasonable expectation of privacy" (citations and internal quotation marks omitted)).

The district court properly denied Coffelt's requests for injunctive relief because Coffelt failed to allege facts sufficient to show standing. *See Davidson v. Kimberly-Clark Corp.,* 889 F.3d 956, 967 (9th Cir. 2018) (to demonstrate standing to seek injunctive relief, a plaintiff must show a "threat of injury [that is] actual and imminent, not conjectural or hypothetical" (citation and internal quotation marks omitted)); *Arakaki v. Lingle*, 477 F.3d 1048, 1056 (9th Cir. 2007) (standard of review).

We reject as without merit Coffelt's contention that the district court erred

by not addressing his allegations of perjury.

AFFIRMED.