

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 22 2025

FOR THE NINTH CIRCUIT

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

ROBERT L. EMERY, JR.,

Plaintiff - Appellant,

v.

GABRIELL GITNESS, BHS Health Services Assistant Administrator; CHRISTY HUTSON, Behavioral Health Services (BHS) Assistant Administrator; ELIZABETH COLEMAN, Mental Health Specialist; ERIN REYES, Superintendent, Two Rivers Correctional Institution (TRCI); K. BOLSON, Corporal, TRCI; MARK NOOTH, Institutions Administrator, Oregon Department of Corrections (ODOC); MARLENE AGUIAR, BHS Counselor, TRCI; JOSEPH BUGHER, Health Services Assistant Director (ODOC); Sgt. ROBERTS, Security, TRCI; Lt. HAZEN, Security; Corporal FARELY; C/O PHILLIPS, Correctional Officer at TRCI; JOHN AND JANE DOES, ODOC/TRCI Staff and or Contractors; CARA PETERSON, ODOC/TRCI BHS Staff,

Defendants - Appellees.

No. 24-5344

D.C. No. 2:23-cv-01958-MC

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted October 15, 2025**

Before: FRIEDLAND, MILLER, and SANCHEZ, Circuit Judges.

Oregon state prisoner Robert L. Emery, Jr., appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising during his incarceration. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

Because Emery fails to address the district court's grounds for dismissal in his opening brief, we do not consider his challenge to the district court's order. *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.”).

Emery's motion (Docket Entry No. 9) to expedite the appeal is denied as moot.

AFFIRMED.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).