

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 28 2026

FOR THE NINTH CIRCUIT

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

SCOTT C. BRUCK,

Plaintiff - Appellant,

v.

ADA COUNTY SHERIFF'S OFFICE,  
A.C.T.I.O.N.; GREATER IDAHO  
FUGITIVE TASK FORCE; ADA  
COUNTY POLICE  
DEPARTMENT; BOISE CITY POLICE  
DEPARTMENT; ADA COUNTY CRISIS  
NEGOTIATION TEAM; CLIFF  
LOGSDON, Ada (952); PATRICK  
AVELLA, Lt. (559); SANTUCCI,  
Sgt.; TERRY STENGER, (4882); TERRY  
LAKEY,

Defendants - Appellees.

No. 24-6767

D.C. No. 1:24-cv-00198-BLW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho

B. Lynn Winmill, District Judge, Presiding

Submitted May 26, 2026\*\*

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\* 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).

Before: S.R. THOMAS, MILLER, and H.A. THOMAS, Circuit Judges.

Scott C. Bruck appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging excessive force. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915A); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)). We affirm.

The district court properly dismissed Bruck's action because Bruck failed to allege facts sufficient to state any plausible claim. *See Graham v. Connor*, 490 U.S. 386, 396-98 (1989) (setting forth objective reasonableness standard for excessive force determinations); *Lockett v. County of Los Angeles*, 977 F.3d 737, 741 (9th Cir. 2020) (setting forth requirements for municipal liability); *Hebbe v. Pliler*, 627 F.3d 338, 341-342 (9th Cir. 2010) (explaining that, although pro se pleadings are construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009). We do not consider documents and facts not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

**AFFIRMED.**