

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 29 2026

FOR THE NINTH CIRCUIT

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

BERNARD KAHALEHILI ANTOQUE,

Plaintiff - Appellant,

v.

HAWAII COMMUNITY
CORRECTIONAL CENTER; HAWAII
DEPARTMENT OF PUBLIC SAFETY;
Warden MAHOE CRAMER; DOES 1-5,
Person(s) other than Defendant No. 1 being
responsible for decision to install safety
rails, to be determined and amended;
SHANTE LNU; DOES 7-11, Medical
personnel other than Doe 6 who were
responsible for delays in medical care, and
will be discovered and amended,

Defendants - Appellees.

No. 25-468

D.C. No.

1:24-cv-00134-MWJS-RT

MEMORANDUM*

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

Micah W. J. Smith, District Judge, Presiding

Submitted June 22, 2026**

* 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: CANBY, BENNETT, and BADE, Circuit Judges.

Hawaii state prisoner Bernard Kahalehili Antoque appeals pro se the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging claims arising during his pretrial detention at Hawaii Community Correctional Center. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the denial of leave to amend. *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011). We affirm.

The district court did not abuse its discretion by denying further leave to amend because amendment would have been futile. *See id.* (explaining that leave to amend may be denied when amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (explaining that “the district court’s discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint” (citation omitted)).

Antoque’s motion for appointment of counsel (Docket Entry No. 15) is denied.

AFFIRMED.