

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 2 2026

FOR THE NINTH CIRCUIT

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

TONY HINES,

Plaintiff - Appellant,

v.

B. FAULKNER,

Defendant - Appellee.

Nos. 23-15411

23-3418

D.C. No. 2:19-cv-01203-GMN-EJY

MEMORANDUM*

Appeals from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Tony Hines, a Nevada state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review

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

** The panel unanimously concludes these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Hines failed to raise a genuine dispute of material fact as to whether defendant was deliberately indifferent to a serious medical need. *See id.* at 1057 (explaining that a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to inmate health); *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002) (explaining that liability under § 1983 requires personal participation by the defendant in the alleged rights deprivation); *see also Peralta v. Dillard*, 744 F.3d 1076, 1086-87 (9th Cir. 2014) (en banc) (concluding that a prison administrator who signed a health grievance appeal did not act with deliberate indifference when he had no awareness of serious medical risk to the plaintiff's health).

The district court did not abuse its discretion by denying Hines's motion to compel discovery. *See Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002) (setting forth standard of review and explaining that the district court is vested with broad discretion to permit or deny discovery).

The district court did not abuse its discretion in denying Hines's motion for reconsideration because Hines failed to establish a basis for such relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Federal Rule of Civil Procedure 60).

The district court did not abuse its discretion in denying Hines’s post-judgment motion for a preliminary injunction because Hines’s requested relief was not sufficiently tied to the claims in the complaint. *See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 635-36 (9th Cir. 2015) (setting forth standard of review and holding that, when a plaintiff seeks injunctive relief, “there must be a relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying complaint”).

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.