

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2026

FOR THE NINTH CIRCUIT

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

JOHN CLAYTON HARVEY,

Plaintiff - Appellant,

v.

BANNER HEALTH,

Defendant - Appellee.

No. 25-2783

D.C. No. 2:25-cv-00592-KML

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Krissa M. Lanham, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

John Clayton Harvey appeals pro se from the district court's order dismissing his diversity action alleging claims arising from his hospitalization. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

Because Harvey fails to address the district court's grounds for dismissal in

* 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).

his opening brief, we do not consider that decision. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (explaining that “we will not consider any claims that were not actually argued in appellant’s opening brief”); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992), *as amended* (Oct. 8, 1993) (explaining that issues not supported by argument in pro se appellant’s opening brief are deemed abandoned).

AFFIRMED.