NOT FOR PUBLICATION

FILED

OCT 30 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL BOYLE, an individual,

Plaintiff - Appellant,

v.

L. SHANE NELSON, Deschutes County Sheriff, individually and in his official capacity; MICHAEL HUDSON, an individual and in his official capacity; JAYSON JANES, an individual and in his official capacity; CHAD DAVIS, an individual and in his official capacity; THOMAS LILIENTHAL, an individual and in his official capacity; BRYAN MORRIS, an individual and in his official capacity; LIAM KLATT, an individual and in his official capacity; COUNTY OF DESCHUTES, a political subdivision of the State of Oregon,

Defendants - Appellees.

No. 25-1111

D.C. No. 6:22-cv-01361-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

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

Submitted October 27, 2026[**]

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

Michael Boyle appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging Fourth and Fourteenth Amendment violations. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a decision regarding the acceptance or rejection of unscheduled motion papers. *Sec. & Exch. Comm'n v. Seaboard Corp.,* 677 F.2d 1301, 1314 (9th Cir. 1982). We affirm.

The district court did not abuse its discretion in denying as moot Boyle's motion to seal a forthcoming motion for extension of time to file an amended opposition. *See id.* ("[A]acceptance or rejection of argumentative briefs, memoranda, and other supplementary material is within the sound discretion of the court.").

Because Boyle does not challenge in his opening brief the district court's grounds for granting summary judgment, 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.

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

1993) (explaining that issues not supported by argument in pro se appellant's opening brief are deemed abandoned).

AFFIRMED.