

MAR 25 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMES WILLIAM ROBINSON,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>WASHINGTON COUNTY, State of Oregon; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 09-35254

D.C. No. 6:06-cv-01705-AA

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SCANNLAIN, and BYBEE, Circuit Judges.

James William Robinson appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging excessive force in the course of a detention arising out of a traffic stop, and state law claims of defamation. We have

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

jurisdiction under 28 U.S.C. § 1291. We review de novo. *Luchtel v. Hagemann*, 623 F.3d 975, 978 (9th Cir. 2010). We affirm.

The district court properly granted summary judgment for Officers Crino and Blalack based on qualified immunity because Robinson failed to raise a genuine issue of material fact as to whether the officers used excessive force in subduing and handcuffing him, and “a reasonable officer could have thought that the force used was needed.” *Id.* at 980-83 (granting summary judgment for officers where the plaintiff had actively resisted arrest and the “officers applied the least amount of force necessary to subdue [the plaintiff] by pinning her to the ground and handcuffing her”).

The district court properly granted summary judgment for the City of Beaverton and Washington County because Robinson failed to demonstrate any constitutional violation and failed to allege that any policy, practice, or custom by the municipalities caused the alleged deprivation of his constitutional rights. *See Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978).

The district court properly granted summary judgment for all defendants on the state law defamation claims because Robinson did not allege that defendants made any false or defamatory statements. *See Walleri v. Fed. Home Loan Bank of Seattle*, 83 F.3d 1575, 1583 (9th Cir. 1996).

Robinson's remaining contentions, including those regarding additional Beaverton police officers who were not involved in the detention, are unpersuasive.

AFFIRMED.