

DEC 23 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

D. L. TAYLOR, a.k.a. Ivory Curtis, a.k.a.
I. C. Taylor,

Plaintiff-Appellant,

v.

M. J. JOHNSON,

Defendant-Appellee.

No. 16-15257

D.C. No. 3:12-cv-03424-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

D. L. Taylor, a.k.a. Ivory Curtis, a.k.a. I. C. Taylor, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging excessive force in violation of the Eighth

* 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).

Amendment. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Brodheim v. Cry*, 584 F.3d 1262, 1267 (9th Cir. 2009), and for the reasons stated by the district court we affirm.

Taylor's requests for judicial notice are denied.

AFFIRMED.