

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2017

FOR THE NINTH CIRCUIT

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

FREDERICK MARC COOLEY,

Plaintiff-Appellant,

v.

R. LEUNG, P # 8556; E. LUDTKE,
P # 9044,

Defendants-Appellees.

No. 16-16268

D.C. No. 2:10-cv-01138-RLH-NJK

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Frederick Marc Cooley appeals pro se from a jury verdict for defendants in his 42 U.S.C. § 1983 action alleging unlawful search and seizure. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court's formulation of the jury instructions, *Jones v. Williams*, 297 F.3d

* 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).

930, 934 (9th Cir. 2002), and we affirm.

The district court did not abuse its discretion in formulating the jury instructions, which fairly and adequately stated the law, covered the issues presented at trial, and were not misleading. *See id.* (setting forth requirements for jury instructions); *Brewer v. City of Napa*, 210 F.3d 1093, 1097 (9th Cir. 2000) (rejection of theory-of-the-case instruction is not error where party is able to argue his or her theory to the jury and the theory is adequately covered by the other instructions).

We reject as without merit Cooley's allegations that the district court improperly interrupted his closing arguments.

AFFIRMED.