FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

GERALD J. WILSON,
 	
              Plaintiff-Appellant,
 	
  v.
 	
W. L. MONTGOMEREY, Warden; et al.,
 	
              Defendants-Appellees.
	No. 16-56319
	
	D.C. No. 3:14-cv-01383-JAH-NLS
	
	MEMORANDUM[*]

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted July 11, 2017[**]

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Gerald J. Wilson, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under Federal Rule of

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[*]   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).

Civil Procedure 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

In his opening brief, Wilson failed to challenge any of the district court's grounds for dismissal of the operative complaint, and therefore Wilson waived any such challenge. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) ("[W]e will not consider any claims that were not actually argued in appellant's opening brief."); *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) ("[A]rguments not raised by a party in its opening brief are deemed waived.").

We reject as without merit Wilson's contentions regarding his alleged failure to receive the magistrate's report and recommendation.

Wilson's request for appointment of counsel and request for sanctions, set forth in his opening and reply briefs, are denied. Wilson's request for in forma pauperis status, set forth in his reply brief, is denied as unnecessary.

AFFIRMED.