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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE HERRERA-CUBIAS, Plaintiff - Appellant, v. JOHN B. FOX; et al., Defendants - Appellees.	No. 14-15429 D.C. No. 4:08-cv-00517-AWT MEMORANDUM[*]

Appeal from the United States District Court
for the District of Arizona
A. Wallace Tashima, Circuit Judge, Presiding[**]

Submitted February 17, 2015[***]

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Jose Herrera-Cubias, a former federal prisoner, appeals pro se from the district court's judgment following a jury trial in his action under *Bivens v. Six*

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

[**] The Honorable A. Wallace Tashima, United States Circuit Judge for the Ninth Circuit, sitting by designation.

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

Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

To the extent Herrera-Cubias argues that the evidence was insufficient to support the jury's determination that defendants were not deliberately indifferent to his serious medical needs, his challenge is barred on appeal because he failed to make a post-verdict motion pursuant to Federal Rule of Civil Procedure 50(b). *See Nitco Holding Corp. v. Boujikian*, 491 F.3d 1086, 1089 (9th Cir. 2007) ("[A] post-verdict motion under Rule 50(b) is an absolute prerequisite to any appeal based on insufficiency of the evidence.").

Because Herrera-Cubias did not argue any other discernible issues in his opening brief, we affirm the district court's judgment. *See Nev. Dep't of Corr. v. Greene*, 648 F.3d 1014, 1020 (9th Cir. 2011) (pro se appellant waived issues not supported by argument in opening brief); *Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (this court "cannot manufacture arguments for an appellant and therefore we will not consider any claims that were not actually argued in appellant's opening brief") (internal quotations omitted).

AFFIRMED.