

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 23 2016

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

STEPHEN SWARTZ,

Plaintiff-Appellant,

v.

JOSEPH GALLEGOS,

Defendant-Appellee.

No. 15-15876

D.C. No. 4:11-cv-00302-FRZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted November 16, 2016**

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

Arizona state prisoner Stephen Swartz appeals pro se from the district court's judgment following a bench trial in his 42 U.S.C. § 1983 action alleging excessive force while he was a pretrial detainee. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

* 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).

We are unable to consider Swartz's contentions that the district court erred by entering judgment for Gallegos because Swartz failed to provide any portion of the trial transcript. *See* Fed. R. App. P. 10(b)(2) ("If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion."); *Syncom Capital Corp. v. Wade*, 924 F.2d 167, 168 (9th Cir. 1991) (dismissing appeal filed by pro se appellant for failure to comply with Fed. R. App. P. 10(b)(2)).

AFFIRMED.