

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2021

FOR THE NINTH CIRCUIT

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

SAM CONSIGLIO, Jr.,

No. 19-17496

Plaintiff-Appellant,

D.C. No. 1:16-cv-01268-AWI-SAB

v.

MEMORANDUM*

PAMELA AHLIN; BRANDON PRICE,

Defendants-Appellees,

and

EDMUND G. BROWN, Jr.,

Defendant.

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted February 17, 2021**

Before: FERNANDEZ, BYBEE, and BADE, Circuit Judges.

California civil detainee Sam Consiglio, Jr. appeals pro se from the district

* 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).

court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

Consiglio failed to include any argument in his opening brief regarding the district court's dismissal of his action as untimely under the applicable statute of limitations, and thus has waived any challenge to that issue. *See McKay v. Ingleson*, 558 F.3d 888, 891 n.5 (9th Cir. 2009) (arguments not raised in an appellant's opening brief are waived).

AFFIRMED.