

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2021

FOR THE NINTH CIRCUIT

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

VICTOR ROBINSON,

Plaintiff-Appellant,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; et al.,

Defendants-Appellees.

No. 20-16429

D.C. No. 2:19-cv-00829-JCM-NJK

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Victor Robinson appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging federal and state law claims in connection with his arrest. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Furnace v. Sullivan*, 705 F.3d 1021, 1026 (9th Cir. 2013). 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).

The district court properly granted summary judgment on Robinson’s excessive force, assault, and battery claims because Robinson failed to raise a genuine dispute of material fact as to whether defendant Bunn used an unreasonable amount of force against him. *See Tuuamalemalō v. Greene*, 946 F.3d 471, 478 (9th Cir. 2019) (under Nevada law, police officers can use the amount of force which appears reasonably necessary); *Espinosa v. City & County of San Francisco*, 598 F.3d 528, 537 (9th Cir. 2010) (setting forth elements of an excessive force claim); *see also Scott v. Harris*, 550 U.S. 372, 380 (2007) (“When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt the version of the facts for purposes of ruling on a motion for summary judgment.”).

The district court properly granted summary judgment on Robinson’s equal protection claim because Robinson failed to raise a genuine dispute of material fact as to whether Bunn discriminated against him on the basis of his membership in a protected class. *See Hartmann v. Cal. Dep’t of Corrs. & Rehab.*, 707 F.3d 1114, 1123 (9th Cir. 2013) (“To prevail on an Equal Protection claim brought under § 1983, [plaintiff] must allege facts plausibly showing that the defendants acted with an intent or purpose to discriminate against [him] based upon membership in a protected class.” (citations and internal quotation marks omitted)).

AFFIRMED.