

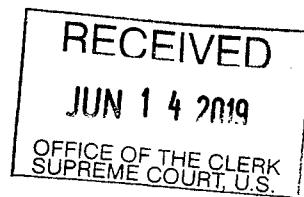
June 6, 2019

SCOTUS

ATTN: Justice Kagan

1 First St. NE

Washington, DC 20543



Request for Extension of Time to File

Dear Justice Kagan,

This is in reference to 9<sup>th</sup> Circuit Court of Appeals civil case number 18-35489 in which I am the Plaintiff-Appellant.

My appeal is due on or about 10 June 2019 but I am currently serving a term of Community Confinement and do not have access to my documents. I am requesting that the 90 day period to file my Writ of Certiorari begin upon my release from the North West Regional Reentry Center in Portland, OR on 27 June 2019.

I certify that I have delivered a copy of this letter with Defendants' attorney.

Thank you,



JOHN M. WASSON

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## NOT FOR PUBLICATION

FILED

MAR 20 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALSUNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JOHN M. WASSON,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 18-35489

D.C. No. 2:15-cv-01279-SU

## MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Anna J. Brown, District Judge, Presiding

Submitted March 12, 2019\*\*

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

John M. Wasson appeals pro se from the district court's summary judgment in his action brought under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Federal Tort Claims Act ("FTCA"), alleging claims relating to his unpatented mining site in the Umatilla

\* 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).

National Forest. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Nolan v. Heald Coll.*, 551 F.3d 1148, 1153 (9th Cir. 2009). We affirm.

The district court properly granted summary judgment on Wasson's Fourth Amendment claim against defendant Helberg because Wasson failed to raise a genuine dispute of material fact as to whether he had a reasonable expectation of privacy relating to the photography of his trailer through an unobstructed window. *See Smith v. Maryland*, 442 U.S. 735, 740 (1979) (setting forth two-part test for determining whether there is a reasonable expectation of privacy protected by the Fourth Amendment).

The district court properly granted summary judgment on Wasson's due process claims against defendants Johnson, Mayte, and Reid because Wasson failed to raise a genuine dispute of material fact as to whether he was deprived of a constitutionally protected liberty interest or adequate procedural protections. *See United States v. Juvenile Male*, 670 F.3d 999, 1012-13 (9th Cir. 2012) (identifying requirements for substantive and procedural due process claims).

We do not consider arguments raised for the first time on appeal or matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We treat Wasson's filing (Docket Entry No. 17) as a motion to file a late reply brief, and grant the motion. The Clerk shall file the reply brief submitted at

Docket Entry No. 16.

**AFFIRMED.**