

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

OCT 26 2022

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

Rec'd 11/02/22

DANNY FABRICANT,

No. 21-16345

Plaintiff-Appellant,

D.C. No. 4:19-cv-00029-JCH  
District of Arizona,  
Tucson

v.

ORDER

A. MIRANDA, individually and in his/her  
official capacity as Unit C-2 Case Manager;  
et al.,

Defendants-Appellees.

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Fabricant's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 30) are denied.

No further filings will be entertained in this closed case.

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 26 2022

FOR THE NINTH CIRCUIT

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

DANNY FABRICANT,

No. 21-16345

Plaintiff-Appellant,

D.C. No. 4:19-cv-00029-JCH

v.

MEMORANDUM\*

A. MIRANDA, individually and in his/her  
official capacity as Unit C-2 Case Manager;  
et al.,

Defendants-Appellees.

Rec'd  
June 10, '22

Appeal from the United States District Court  
for the District of Arizona  
John C. Hinderaker, District Judge, Presiding

Submitted May 17, 2022\*\*

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Federal prisoner Danny Fabricant appeals pro se from the district court's summary judgment for failure to exhaust administrative remedies in his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of*

---

\* 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).

for discovery because Fabricant did not show that the sought-after facts were essential to his opposition. *See Garrett v. City & County of San Francisco*, 818 F.2d 1515, 1518 (9th Cir. 1987) (setting forth standard of review).

**AFFIRMED.**