

## **APPENDICES**

**Appendix A** - Ninth Circuit Order denying petition for rehearing (dated September 11, 2025)

**Appendix B** - Ninth Circuit Memorandum denial of appeal (dated July 30, 2025)

**Appendix C** - Relevant Constitutional and Statutory Provisions

## **Appendix A**

Ninth Circuit Order denying petition for rehearing (dated September 11, 2025)

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 11 2025

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

STACY GENE HALL,

Plaintiff-Appellant,

v.

BUDDY MYOTTE; ALVIN FODE;  
MYRON BEESON,

Defendants-Appellees,

No. 23-35372

D.C. No. 6:16-cv-00058-DLC  
District of Montana,  
Helena

ORDER

Before: O'SCANNLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges.

The panel unanimously voted to deny the petition for panel rehearing and to recommend denying the petition for rehearing en banc.

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. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are therefore DENIED.

## **Appendix B**

**Ninth Circuit Memorandum denial of appeal (dated July 30, 2025)**

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 30 2025

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

STACY G. HALL,

Plaintiff-Appellant,

v.

BUDDY MYOTTE; ALVIN FODE;  
MYRON BEESON,

Defendants-Appellees.

No. 23-35372

D.C. No. 6:16-cv-00058-DLC

**MEMORANDUM\***

Appeal from the United States District Court  
for the District of Montana  
Dana L. Christensen, District Judge, Presiding

Submitted July 30, 2025\*\*

Before: O'SCANLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges

Plaintiff-Appellant Stacy G. Hall appeals pro se from the district court's judgment following a jury verdict in his 42 U.S.C. § 1983 action alleging prison employee defendants-appellees violated Hall's Eighth Amendment rights by

\* 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).

subjecting him to dangerous working conditions in the prison. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

To the extent Hall challenges the sufficiency of the evidence supporting the jury's verdict, we conclude that Hall waived such a challenge by failing to move for judgment as a matter of law or a new trial before the district court. *See Nitco Holding Corp. v. Boujikian*, 491 F.3d 1086, 1089–90 (9th Cir. 2007) (to preserve a sufficiency-of-the-evidence challenge, a party must file both a pre-verdict motion under Fed. R. Civ. P. 50(a) and a post-verdict motion for judgment as a matter of law or new trial under Rule 50(b)).

Assuming without deciding that Hall preserved his challenges to the district court's final jury instructions and rejection of his proposed jury instructions, we conclude that the final instructions correctly stated the law and clearly and adequately covered the issues presented. *See Sidibe v. Sutter Health*, 103 F.4th 675, 684–85 (9th Cir. 2024) (setting forth standard of review and requirement that in “light of the issues and viewed as a whole, the instructions were complete, clear, correct, and adequate” (citation and quotation marks omitted)).

Hall contends that he should have been allowed to present medical records for care that he received after his release from prison. The district court did not abuse its discretion in requiring Hall to authenticate the medical records, which he failed to do. *See Fed. R. Evid. 901(b)* (listing examples of authentication);

*Erickson Prods., Inc. v. Kast*, 921 F.3d 822, 829 (9th Cir. 2019) (reciting standard of review for discovery and evidentiary rulings).

The district court did not abuse its discretion in denying Hall's motions for recusal, which were based solely on prior adverse rulings during the proceedings. *See Leslie v. Grupo ICA*, 198 F.3d 1152, 1157 (9th Cir. 1999) (reciting standard); *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986) (holding that prior adverse rulings are insufficient for recusal).

The district court did not abuse its discretion in declining to exercise supplemental jurisdiction over Hall's state law claims. *See Arroyo v. Rosas*, 19 F.4th 1202, 1210 (9th Cir. 2021).

We deny Hall's claim of ineffective assistance of counsel, because there is no right to effective assistance of counsel in civil proceedings. *See Nicholson v. Rushen*, 767 F.2d 1426, 1427 (9th Cir. 1985) (as amended) (per curiam).

We decline to review any issues that were not specifically and distinctly raised and argued in the opening brief, or not raised before the district court. *Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**

**Appendix C**  
**Relevant Constitutional and Statutory Provisions**

#### **§1254. Courts of appeals; certiorari; certified questions**

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

- (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;
- (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

(June 25, 1948, ch. 646, 62 Stat. 928 ; Pub. L. 100-352, §2(a), (b), June 27, 1988, 102 Stat. 662 .)

### **§ 1291. Final decisions of district courts**

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title. (June 25, 1948, ch. 646, 62 Stat. 929; Oct. 31, 1951, ch. 655, § 48, 65 Stat. 726; Pub. L. 85-508, § 12(e), July 7, 1958, 72 Stat. 348; Pub. L. 97-164, title I, § 124, Apr. 2, 1982, 96 Stat. 36.)

## **Rule 60. Relief from a Judgment or Order**

**(a) Corrections Based on Clerical Mistakes; Oversights and Omissions.** The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

**(b) Grounds for Relief from a Final Judgment, Order, or Proceeding.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

**(c) Timing and Effect of the Motion.**

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

**(d) Other Powers to Grant Relief.** This rule does not limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or
- (3) set aside a judgment for fraud on the court.

**(e) Bills and Writs Abolished.** The following are abolished: bills of review, bills in the nature of bills of review, and writs of *coram nobis*, *coram vobis*, and *audita querela*.

### **Notes**

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 2007, eff. Dec. 1, 2007.)

**Rule 12.1 Remand After an Indicative Ruling by the District Court on a Motion for Relief That Is Barred by a Pending Appeal**

(a) **Notice to the Court of Appeals.** If a timely motion is made in the district court for relief that it lacks authority to grant because of an appeal that has been docketed and is pending, the movant must promptly notify the circuit clerk if the district court states either that it would grant the motion or that the motion raises a substantial issue.

(b) **Remand After an Indicative Ruling.** If the district court states that it would grant the motion or that the motion raises a substantial issue, the court of appeals may remand for further proceedings but retains jurisdiction unless it expressly dismisses the appeal. If the court of appeals remands but retains jurisdiction, the parties must promptly notify the circuit clerk when the district court has decided the motion on remand.

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
HELENA DIVISION

STACY HALL,

Plaintiff,

vs.

BUDDY MYOTTE, et al.,

Defendants.

Case No. CV-16-058-H-DLC

JUDGMENT IN A CIVIL CASE

X **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came before the Court for bench trial, hearing, or determination on the record. A decision has been rendered.

IT IS ORDERED AND ADJUDGED in accordance with the Jury Verdict rendered on May 3, 2023, document number 174, Judgment is entered in favor of the Defendants and against the Plaintiff.

Dated this 3rd day of May, 2023.

TYLER P. GILMAN, CLERK

By: /s/ Sarah Nagy  
Sarah Nagy, Deputy Clerk