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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERNEST J. BROOKS, III,

Plaintiff - Appellant,

v.

WILLIAM B. KOLENDER, Sheriff; et al.,

Defendants - Appellees.

No. 08-56432

D.C. No. 3:05-cv-00749-JAH-
CAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Ernest J. Brooks, III, a former pretrial detainee at San Diego County Jail,
appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes that this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

action claiming that jail personnel were deliberately indifferent to his medical needs. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment to defendants because Brooks failed to raise a triable issue as to whether any defendant intentionally delayed or interfered with treatment of Brooks' knee. *See Hallett v. Morgan*, 296 F.3d 732, 744 (9th Cir. 2002) ("Prison officials are deliberately indifferent to a prisoner's medical needs when they deny, delay, or intentionally interfere with medical treatment") (internal quotation marks omitted). Brooks did not demonstrate that his problem was so severe that a delay in treatment could cause significant harm, or that defendants should have known this to be the case. *See id.*; *see also Frost v. Agnos*, 152 F.3d 1124, 1128 (9th Cir. 1998) (holding that, because pretrial detainees' Fourteenth Amendment rights are comparable to prisoners' Eighth Amendment rights, the same standards apply).

Brooks' remaining contentions are unpersuasive.

AFFIRMED.