

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 25 2010

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

LEONEL CANTU LOPEZ,

Plaintiff - Appellant,

v.

D. K. BUTLER, Warden; et al.,

Defendants - Appellees.

No. 08-17574

D.C. No. 2:04-cv-00822-LKK-
KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted January 11, 2010**

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

Leonel Cantu Lopez, a California state prisoner, appeals pro se from the district court's summary judgment for defendant in his 42 U.S.C. § 1983 action

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

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

alleging that he was unlawfully housed in administrative segregation and subjected to excessive force. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo an order granting summary judgment, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment for defendant on Lopez's due process and Eighth Amendment claims because Lopez failed to raise a triable issue as to whether the defendant caused the violations Lopez alleges. *See Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988) ("The inquiry into causation must be individualized and focus on the duties and responsibilities of each individual defendant whose acts or omissions are alleged to have caused a constitutional deprivation.").

Lopez's remaining contentions are unpersuasive.

AFFIRMED.