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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CURT L. BURRIS,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>JEFFREY P. WALKER; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 08-17675

D.C. No. 2:08-cv-00689-RLH-GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, Chief District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Curt L. Burris, a Nevada state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action challenging his disciplinary conviction for a charge that was not listed in the Notice of Charges

* 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).

provided to Burris prior to the hearing. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Butterfield v. Bail*, 120 F.3d 1023, 1024 (9th Cir. 1997), and we affirm.

The district court properly dismissed the due process claim because the notice contained sufficient information to allow Burris to present a proper defense at his disciplinary hearing. *See Bostic v. Carlson*, 884 F.2d 1267, 1270-71 (9th Cir. 1989) (concluding that notice was adequate where it described the factual situation that was the basis for the disciplinary charge and alerted the prisoner of his alleged wrongdoing).

The district court properly dismissed the Eighth Amendment claim because Burris did not allege facts showing that he was denied “the minimal civilized measure of life’s necessities,” or that defendants acted with deliberate indifference to his health or safety. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (internal quotation marks and citation omitted).

Burris’s remaining contentions are unpersuasive.

AFFIRMED.