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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN HARRIS,

Plaintiff - Appellant,

v.

JOE E. CAPPS, Inspector III; et al.,

Defendants - Appellees.

No. 09-35508

D.C. No. 6:08-cv-00258-HO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

John Harris, an Oregon state prisoner, appeals from the district court's judgment in his 42 U.S.C. § 1983 action alleging prison officials placed him in disciplinary segregation in violation of his Eighth Amendment rights. We have

* 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, and therefore denies Harris's request for oral argument. *See Fed. R. App. P. 34(a)(2)*.

jurisdiction under 28 U.S.C. § 1291. We review de novo, *Oliver v. Keller*, 289 F.3d 623, 626 (9th Cir. 2002), and we affirm.

Harris failed to raise a genuine issue of material fact as to whether defendants deliberately exposed him to a serious risk of harm when they temporarily transferred him to disciplinary segregation, because security protocols were in place to protect inmates from one another. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (“[A] prison official cannot be found liable [for deliberate indifference] unless the official knows of and disregards an excessive risk to inmate . . . safety.”).

Harris’s remaining contentions are unpersuasive, and his motion for appointment of counsel is denied.

AFFIRMED.