

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CHANDRA KISHOR,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>NAKU, Doctor; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-17818

D.C. No. 2:07-cv-00980-FCD-JFM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, Senior District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Chandra Kishor, a California state prisoner, appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction pursuant to 28

* 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).

U.S.C. § 1291. We review a district court’s grant of summary judgment de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

Kishor’s unsupported allegations are insufficient to defeat the Nakus’ motion for summary judgment. He cannot show that he exhausted his administrative remedies prior to filing suit. *See* 42 U.S.C. § 1997e(a); *Morton v. Hall*, 599 F.3d 942, 945 (9th Cir. 2010). Nor can he show that the administrative remedies were “effectively unavailable.” *See Nunez v. Duncan*, 591 F.3d 1217, 1226 (9th Cir. 2010). Moreover, Kishor has presented no evidence that Mark Corioso was personally involved in reviewing his appeals. *See Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) (summary judgment appropriate where plaintiff “did not make a sufficient showing of any personal participation, direction, or knowledge” by defendant).

Finally, the district court did not abuse its discretion in declining to appoint counsel for Kishor because no exceptional circumstances were present. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).

All pending motions are denied as moot.

AFFIRMED.