

OCT 12 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM GONZALEZ,

Plaintiff - Appellant,

v.

JAMES YATES; et al.,

Defendants - Appellees.

No. 10-16770

D.C. No. 1:05-cv-01039-SMS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Sandra M. Snyder, Magistrate Judge, Presiding**

Submitted September 27, 2011***

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

California state prisoner William Gonzalez appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging Eighth

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** Gonzalez consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

Amendment violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Gonzalez’s claim that defendants violated his Eighth Amendment rights because Gonzalez failed to allege facts suggesting that defendants acted with deliberate indifference to his health or safety. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (“[D]eliberate indifference” is evidenced only when “the official knows of and disregards an excessive risk to inmate health or safety[.]”).

We do not consider Gonzalez’s claims not adequately raised on appeal. *See Entm’t Research Grp., Inc. v. Genesis Creative Grp., Inc.*, 122 F.3d 1211, 1217 (9th Cir. 1997).

Gonzalez’s remaining contentions are unpersuasive.

AFFIRMED.