

NOV 22 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DAVID HOSKINS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>PETERSON, Captain,</p> <p>Defendant - Appellee.</p>

No. 10-36003

D.C. No. 4:09-cv-00002-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted November 21, 2011 **

Before: TASHIMA, BERZON, and TALLMAN, Circuit Judges.

David Hoskins appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo,

* 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).

Ramirez v. City of Buena Park, 560 F.3d 1012, 1019 (9th Cir. 2009), and we affirm.

The district court properly granted summary judgment because Hoskins failed to raise a genuine dispute of material fact as to whether Peterson or any of the jail staff were deliberately indifferent to Hoskins's mental health, chronic back and leg pain, hypoglycemia, or the delivery of his prescribed medications. *See Jones v. Johnson*, 781 F.2d 769, 771 (9th Cir. 1986) (pretrial detainee's claim for inadequate medical treatment is evaluated against the standard of care guaranteed by the Eighth Amendment, and jail personnel violate the Eighth Amendment "if they are deliberately indifferent to the [detainee's] serious medical needs").

Peterson's request for attorney's fees is denied without prejudice to her making a proper motion for attorney's fees consistent with 9th Cir. R. 39-1.6.

AFFIRMED.