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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SHAUNTAE TAYLOR,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>T. VIRGA; et al.,</p> <p>Defendants - Appellees.</p>

No. 11-16450

D.C. No. 2:10-CV-02731-WBS-GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Shauntae Taylor, a California state prisoner, appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action alleging that his housing assignments violated his constitutional rights. We have jurisdiction under 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 de novo the district court’s 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 Taylor’s failure-to-protect claim because Taylor failed to allege facts showing that defendants were deliberately indifferent to a substantial risk of serious harm by assigning Taylor to a double cell. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (“[A] prison official cannot be found liable [for a failure to prevent harm] unless the official knows of and disregards an excessive risk to inmate health or safety[.]”).

The district court properly dismissed Taylor’s due process claim because Taylor failed to allege facts showing that any of his housing classifications imposed an atypical and significant hardship on him in relation to the ordinary incidents of prison life. *See Sandin v. Connor*, 515 U.S. 472, 486 (1995).

Taylor’s remaining contentions, including those regarding judicial bias, are unpersuasive.

AFFIRMED.