

MAR 05 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOEL BUSH,

Plaintiff - Appellant,

v.

LOS ANGELES SHERIFF'S
DEPARTMENT; et al.,

Defendants - Appellees.

No. 10-56872

D.C. No. 2:08-cv-01217-SJO-PJW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Joel Bush, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference

* 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).

to his safety. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment because Bush failed to raise a genuine dispute of material fact as to whether defendants acted with culpable intent. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (a prison official cannot be found liable for failing to protect one inmate from another unless “the official knows of and disregards an excessive risk to inmate health or safety”). Contrary to Bush’s contention, he was given fair notice of his obligations under the summary judgment rule. *See Rand v. Rowland*, 154 F.3d 952, 960 (9th Cir. 1998) (en banc).

Bush’s remaining contentions are unpersuasive.

AFFIRMED.