

JUL 26 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID RADEMAKER,

Plaintiff - Appellant,

v.

ANTHONY HEDGPETH, Warden; et al.,

Defendants - Appellees.

No. 11-17223

D.C. No. 5:10-cv-01659-LHK

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Lucy Koh, District Judge, Presiding

Submitted July 17, 2012\*\*

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

David Rademaker, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that prison officials acted with deliberate indifference to his safety in violation of the

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\* 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).

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

The district court properly granted summary judgment on Rademaker’s claim that defendants were deliberately indifferent to his safety, because Rademaker failed to raise a genuine dispute of material fact as to whether defendants knew of and disregarded an excessive risk to his safety from slippery shower floors. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (“a prison official cannot be found liable [for deliberate indifference] . . . unless the official knows of and disregards an excessive risk to inmate health or safety”).

Rademaker’s remaining contentions are unavailing.

**AFFIRMED.**