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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RODERICK SAWYER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MORROW COLE; et al.,</p> <p>Defendants - Appellees.</p>
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No. 13-15127

D.C. No. 3:10-cv-00088-RCJ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Robert Clive Jones, Chief Judge, Presiding

Submitted March 10, 2014\*\*

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Nevada state prisoner Roderick Sawyer appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging Eighth Amendment violations arising from unsanitary conditions of confinement. We

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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).

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 Sawyer failed to raise a genuine dispute of material fact as to whether defendants consciously disregarded an excessive risk to Sawyer's health by exposing him to unsanitary conditions in his cell and denying him adequate cleaning supplies. *See id.*, 391 F.3d at 1058 (prison officials are deliberately indifferent only if they know of and disregard an excessive risk of serious harm to inmate health).

**AFFIRMED.**