

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2017

FOR THE NINTH CIRCUIT

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

RONALD M. FELDMEIERS,

Plaintiff-Appellant,

No. 15-16176

D.C. No. 2:13-cv-02027-DGC

v.

MEMORANDUM*

P. HAUSER, Case Manager, Corrections
Corporation of America at La Palma
Correctional Center, Eloy, AZ; R.
WILLIAMS, Unit Manager, Corrections of
America at La Palma Correctional Center,
Eloy, AZ,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Ronald M. Feldmeier, a California state prisoner, appeals pro se from the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his safety. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's grant of summary judgment for failure to exhaust administrative remedies. *Williams v. Paramo*, 775 F.3d 1182, 1191 (9th Cir. 2015). We reverse and remand.

The district court concluded that Feldmeier's Form 22 failed to "clearly state" the issue such that it put prison officials on notice of the alleged wrong. We disagree. The Form 22 identified the topic as "threats by cellmate," and explained that Feldmeier's cellmate "regularly uses physical intimidation and threats of violence against" Feldmeier and that Feldmeier needed officials to help in finding another cellmate. These allegations were sufficient to clearly state the issue. We therefore reverse and remand.

In light of the decision to remand, we do not reach the remaining issues on appeal.

We do not consider arguments, allegations, or evidence raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n. 2 (9th Cir. 2009); *Kirshner v. Uniden Corp. of Am.*, 842 F.2d 1074, 1077 (9th Cir. 1988).

REVERSED and REMANDED.