

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2022

FOR THE NINTH CIRCUIT

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

DARRYL LEONARD SCOTT,

No. 21-15854

Plaintiff-Appellant,

D.C. No. 2:20-cv-02115-DWL-JFM

v.

MEMORANDUM*

PAUL PENZONE, Sheriff at Towers,
County Jail; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
Dominic Lanza, District Judge, Presiding

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Darryl Leonard Scott appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action challenging his conditions of confinement during his detention at the Maricopa County Jail. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Resnick*

* 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).

v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Scott’s action for failure to state a claim. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (elements of an Eighth Amendment conditions-of-confinement claim); *Gordon v. County of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018) (elements of a due process conditions-of-confinement claim); *LeMaire v. Maass*, 12 F.3d 1444, 1456 (9th Cir.1993) (“The Eighth Amendment requires only that prisoners receive food that is adequate to maintain health”).”

Scott’s motion for excerpts to be included (Docket Entry No. 8) is granted.

AFFIRMED.