

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2022

FOR THE NINTH CIRCUIT

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

DOUGLAS WAYNE DERELLO, Jr., AKA
Douglas Wayne Derello,

Plaintiff-Appellant,

v.

SANCHEZ, AKA Felicia Sanchez, Sgt.;
HARRIS, AKA Nathaniel Harris, Sgt.;
UNKNOWN PARTY, named as John Doe
(DW), Deputy Warden, SMI #1; JACKSON,
named as CO II Jackson; T. LEWIS, #12271,
Correctional Officer; IGWE, AKA Dorothy
Igwe, Nurse Practitioner at South Unit;
named as Dorothy Igwe,

Defendants-Appellees.

No. 21-15243

D.C. No. 2:18-cv-03575-MTL-JFM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Michael T. Liburdi, District Judge, Presiding

Submitted April 11, 2022**

Before: McKEOWN, CHRISTEN, and BRESS, Circuit Judges.

* 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).

Arizona state prisoner Douglas Wayne Derello appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging retaliation and deliberate indifference to his serious medical needs. 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 to defendant Igwe because Derello failed to raise a genuine dispute of material fact as to whether Igwe was deliberately indifferent to Derello's gout. *See id.* at 1060-61 (deliberate indifference is a high legal standard requiring a defendant be aware of and disregard an excessive risk to an inmate's health).

The district court properly granted summary judgment to defendant Harris because Derello failed to raise a genuine dispute of material fact as to whether Harris retaliated against Derello. *See Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005) (elements of a retaliation claim in the prison context).

AFFIRMED.