

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 27 2024

FOR THE NINTH CIRCUIT

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

HOWARD BLAKE TILLMAN, named as
Sir Howard Blake Tillman II,

Plaintiff-Appellant,

v.

DAVID SHINN, Director; R. CARR, Deputy
Warden; TEDESCO, Unknown: named as
John and Jane Doe Tedesco, Correctional
Officer II; DAVIS, Unknown CO II;
MORRIS, Unknown Complex Warden;
D'ARCY DAVIS; UNKNOWN PARTIES,
Named as John and Jane Doe, Morris,
Complex Warden; RODNEY CARR, Deputy
Warden; UNKNOWN PARTIES, Named as
John and Jane Doe, Tedesco,

Defendants-Appellees.

No. 22-16869

D.C. No.

2:20-cv-01378-JAT-DMF

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

James A. Teilborg, District Judge, Presiding

Submitted February 27, 2024**

* 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).

Before: BENNETT, BADE, and COLLINS, Circuit Judges.

Arizona state prisoner Howard Blake Tillman appeals pro se from the district court's order granting summary judgment for defendants on his claim, brought under 42 U.S.C. § 1983, alleging an Eighth Amendment violation arising from unsafe conditions of confinement. We have jurisdiction under 28 U.S.C. § 1291, and we review de novo. *Gordon v. County of Orange*, 888 F.3d 1118, 1122 (9th Cir. 2018). We affirm.

The district court properly granted summary judgment in favor of defendants on Tillman's conditions-of-confinement claim because he failed to raise a genuine dispute of material fact that defendants were deliberately indifferent to a risk to inmate health or safety that was "sufficiently serious" to establish an Eighth Amendment violation. *See Farmer v. Brennan*, 511 U.S. 825, 832–34 (1994).

AFFIRMED.