

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2025

FOR THE NINTH CIRCUIT

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

JASON DARNELL GREGORY,

Plaintiff - Appellant,

v.

STATE OF ARIZONA; CHARLES L RYAN, Director of ADOC; UNKNOWN THOMPSON, named as Mr. Thompson, Complex Warden at Eyman Complex; UNKNOWN SHY, named as CO III Shy, Disciplinary Proceedings at Eyman Complex; UNKNOWN PARTY, named as Non-Disclosed Officer, Control Room Officer working 2-19-18 @ SMU1 pod 1-A at Eyman Complex; UNKNOWN SANCHEZ, Correctional Officer; MARIA PEJI, Control Room Officer, previously named as Unknown Control Room Officer Laos, defendant name substituted per doc [88]; ARIZONA DEPARTMENT OF CORRECTIONS REHABILITATION AND REENTRY; ROBERTO GARCIA, Corrections Officer; GERALD THOMPSON, Eyman Complex Warden,

Defendants - Appellees.

No. 23-3147

D.C. No.

2:18-cv-01598-GMS

MEMORANDUM*

Appeal from the United States District Court

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

for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted April 22, 2025**

Before: GRABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

Arizona state prisoner Jason Darnell Gregory appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging failure to protect him in violation of his Eighth Amendment rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Colwell v. Bannister*, 763 F.3d 1060, 1065 (9th Cir. 2014). We affirm.

The district court properly granted summary judgment for Officers Peji and Garcia because Gregory failed to raise a genuine dispute of material fact as to whether they knew of and disregarded a substantial risk of serious harm to Gregory. *See Wilk v. Neven*, 956 F.3d 1143, 1147 (9th Cir. 2020) (explaining that “a prison official violates an inmate’s Eighth Amendment right only if that official is deliberately indifferent—in other words, if the official is subjectively aware of a substantial risk of serious harm to an inmate and disregards that risk by failing to respond reasonably” (citation and internal quotation marks omitted)); *see also Cousins v. Lockyer*, 568 F.3d 1063, 1070 (9th Cir. 2009) (failure to follow internal

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

prison policy does not amount to a constitutional violation).

All pending motions are denied.

AFFIRMED.