

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 27 2025

FOR THE NINTH CIRCUIT

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

CARLOS CALVILLO,

Plaintiff - Appellant,

v.

J. MARQUEZ, Correctional Officer,

Defendant - Appellee.

No. 24-2307

D.C. No.

5:22-cv-05693-PCP

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
P. Casey Pitts, District Judge, Presiding

Submitted May 21, 2025**

Before: SILVERMAN, LEE, and VANDYKE, Circuit Judges.

California state prisoner Carlos Calvillo appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations arising from Officer Marquez finding him guilty in a disciplinary hearing of possessing contraband. We have jurisdiction under 28 U.S.C. § 1291.

* 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).

We review de novo. *Colwell v. Bannister*, 763 F.3d 1060, 1065 (9th Cir. 2014).

We affirm.

The district court properly granted summary judgment on Calvillo's retaliation claim because Calvillo failed to raise a genuine dispute of material fact as to whether the guilty finding did not reasonably advance a legitimate correctional goal. *See Long v. Sugai*, 91 F.4th 1331, 1339 (9th Cir. 2024) (explaining requirements of a retaliation claim in the prison context).

The district court properly granted summary judgment on Calvillo's equal protection claim because Calvillo failed to raise a triable dispute as to whether Marquez found him guilty based on his membership in a protected class. *See Jensen v. Brown*, 131 F.4th 677, 700 (9th Cir. 2025) (explaining requirements of an equal protection claim).

The district court properly granted summary judgment on Calvillo's due process claim because Calvillo failed to raise a triable dispute as to whether the guilty finding was not supported by some evidence. *See Lane v. Salazar*, 911 F.3d 942, 951 (9th Cir. 2018) (“[D]ue process requirements are satisfied if there is some evidence from which the conclusion of the administrative tribunal could be deduced.” (citation and internal quotation marks omitted)).

AFFIRMED.