

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2025

FOR THE NINTH CIRCUIT

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

FRANK VALLES,

Plaintiff - Appellant,

v.

GAVIN NEWSOM; MARTIN  
GAMBOA; S. GATES; J.  
NASH; KRAMER; JEFF  
MACOMBER; CALIFORNIA STATE  
WATER RESOURCES CONTROL  
BOARD,

Defendants - Appellees.

No. 25-277

D.C. No.

1:24-cv-00379-JLT-BAM

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Jennifer L. Thurston, District Judge, Presiding

Submitted September 17, 2025\*\*

Before: SILVERMAN, OWENS, and BRESS, Circuit Judges.

California state prisoner Frank Valles appeals pro se from the district court's

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\* 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).

judgment dismissing his 42 U.S.C. § 1983 action alleging Eighth Amendment violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012). We affirm.

The district court properly dismissed Valles's action because Valles failed to allege facts sufficient to state any plausible claim. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (holding that to establish Eighth Amendment liability, a plaintiff must show that the defendant knew of and disregarded a substantial risk of serious harm); *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (explaining that although pro se pleadings are to be construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief).

**AFFIRMED.**