

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2026

FOR THE NINTH CIRCUIT

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

JOEL VALERA,

Plaintiff - Appellant,

v.

B. VASQUEZ, CO at CSP-Sacramento,

Defendant - Appellee.

No. 24-5974

D.C. No. 2:23-cv-00191-DAD-EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted March 16, 2026**

Before: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

California state prisoner Joel Valera appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging violations of his Eighth Amendment rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1259 (9th Cir. 2021).

* 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 affirm.

The district court properly granted summary judgment because Valera failed to raise a genuine dispute of material fact as to whether defendant Vasquez sexually assaulted him. *See Spencer v. Pew*, 117 F.4th 1130, 1133 (9th Cir. 2024) (“[T]o the extent that the uncontested video evidence . . . establishes the timing and occurrence of events, we ‘view[] the facts in the light depicted by the videotape.’”); *Bearchild v. Cobban*, 947 F.3d 1130, 1144 (9th Cir. 2020) (discussing Eighth Amendment claims arising from sexual assault).

Valera has forfeited his arguments regarding his motion to compel discovery because he never objected to the magistrate judge’s denial of the motion. *See Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996) (“[A] party who fails to file timely objections to a magistrate judge’s nondispositive order with the district judge to whom the case is assigned forfeits its right to appellate review of that order.”).

AFFIRMED.