

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2026

FOR THE NINTH CIRCUIT

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

TAIWAN ALLEN,

Plaintiff - Appellant,

v.

CHARLES DANIELS; MICHAEL  
MINEV; ISIDRIS BACA,

Defendants - Appellees.

No. 23-3471

D.C. No. 3:21-cv-00524-CLB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Carla Baldwin, Magistrate Judge, Presiding\*\*

Submitted March 16, 2026\*\*\*

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

Nevada state prisoner Taiwan Allen appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging Eighth Amendment

---

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

\*\* The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

claims relating to a COVID-19 outbreak in prison. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Allen failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to Allen’s risk of contracting COVID-19. *See Farmer v. Brennan*, 511 U.S. 825, 837, 844 (1994) (a prison official cannot be held liable for deliberate indifference “unless the official knows of and disregards an excessive risk to inmate health or safety”; officials may not be held liable “if they responded reasonably to the risk, even if the harm ultimately was not averted”).

We reject as unsupported by the record Allen’s contention that Patricia Smith was named as a party to the action.

**AFFIRMED.**