

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2026

FOR THE NINTH CIRCUIT

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

JUAN CRISTOBAL CALDERON,

Plaintiff - Appellant,

v.

C. VUE; R. FREITAS,

Defendants - Appellees.

No. 24-5976

D.C. No. 2:22-cv-00124-DAD-CKD

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 Juan Cristobal Calderon appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging Eighth Amendment violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Williams v. Paramo*, 775 F.3d 1182, 1191 (9th Cir. 2015). We vacate

* 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).

and remand.

The district court granted summary judgment in favor of defendant Vue, concluding that Calderon failed to raise a genuine dispute of material fact as to whether Vue assaulted him. However, the district court improperly disregarded Calderon's declaration as self-serving and uncorroborated, despite the fact that Calderon's declaration was not conclusory and gave a factual account of his own experience. *See Nigro v. Sears, Roebuck & Co.*, 784 F.3d 495, 497-98 (9th Cir. 2015) (explaining that the district court cannot disregard a declaration at the summary judgment stage solely based on its self-serving nature, even if it is uncorroborated, unless it "states only conclusions and not facts that would be admissible evidence"); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986) (explaining that "[c]redibility determinations, the weighing of evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge . . . ruling on a motion for summary judgment"). We vacate the summary judgment and remand for further proceedings.

Calderon's motion (Docket Entry No. 24) for miscellaneous relief is denied.

VACATED and REMANDED.