

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2026

FOR THE NINTH CIRCUIT

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

KIFA MUHAMMAD, AKA Marcus
Johnson,

Plaintiff - Appellant,

v.

CASILLAS; J. CASTRO; J. J. FISHER; C.
BERNARD,

Defendants - Appellees.

No. 23-1900

D.C. No.

2:21-cv-00411-DJC-KJN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Daniel J. Calabretta, District Court, Presiding

Submitted May 26, 2026**

Before: S.R. THOMAS, MILLER, and H.A. THOMAS, Circuit Judges.

Former California state prisoner Kifa Muhammad appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de

* 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).

novo. *Jones v. Slade*, 23 F.4th 1124, 1133 (9th Cir. 2022). We affirm.

The district court properly granted summary judgment on Muhammad’s claims related to the near collision that occurred during his medical transport because Muhammad failed to raise a genuine dispute of material fact as to whether defendants acted with deliberate indifference to a serious threat to Muhammad’s health or safety. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (explaining that for an official to act with deliberate indifference, “the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and [the official] must also draw the inference”).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.