

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

TION ALONZO GRIMMETT HILL Sr.,

Plaintiff - Appellant,

v.

A. YOUSSEF, Chief Medical Executive;
ROSELLE BRANCH, Doctor; R.
MIRANDA, Doctor; LEAN K. NGUYEN,
M.D.,

Defendants - Appellees.

No. 25-1921

D.C. No. 2:23-cv-00492-DJC-JDP

MEMORANDUM*

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

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

California state prisoner Tion Alonzo Grimmett Hill, Sr. appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging

* 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).

deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Daubert v. Lindsay Unified Sch. Dist.*, 760 F.3d 982, 985 (9th Cir. 2014). We affirm.

The district court properly granted summary judgment because Hill failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent in treating Hill's eye injury. *See Toguchi v. Chung*, 391 F.3d 1051, 1057 (9th Cir. 2004) (explaining that a prison official must have actual knowledge that a substantial risk of serious harm exists); *Jackson v. McIntosh*, 90 F.3d 330, 332 (9th Cir. 1996) (holding that a "difference of medical opinion" is "insufficient, as a matter of law, to establish deliberate indifference"); *Shapley v. Nev. Bd. of State Prison Comm'rs*, 766 F.2d 404, 407 (9th Cir. 1985) (observing that a delay in treatment is insufficient to state a claim of deliberate indifference unless it causes harm); *see also Peralta v. Dillard*, 744 F.3d 1076, 1085 (9th Cir. 2014) (noting that there is no vicarious liability under § 1983).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.