

NOT FOR PUBLICATION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

MAURICE DARONTE DAVIS, AKA
Maurice Daronte Davis Rogers,

Plaintiff - Appellant,

v.

MESKATH UDDIN, Doctor,

Defendant - Appellee.

No. 25-5946

D.C. No.

2:22-cv-00864-DC-SCR

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dena M. Coggins, District Judge, Presiding

Submitted August 25, 2026**

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

State prisoner Maurice Daronte Davis appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging Eighth Amendment claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo.

* 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).

Weldeyohannes v. Washington, 162 F.4th 972, 976 (9th Cir. 2025). We affirm.

The district court properly granted summary judgment on Davis’ Eighth Amendment claim for physical assault because Davis failed to raise a genuine dispute of material fact as to whether Dr. Uddin applied force “maliciously and sadistically” to Davis while examining his lower back. *See Wilkins v. Gaddy*, 559 U.S. 34, 37 (2010) (the “core judicial inquiry” in an Eighth Amendment claim for excessive force is not “whether a certain quantum of injury was sustained, but rather ‘whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm’” (quoting *Hudson v. McMillian*, 503 U.S. 1, 7 (1992))).

The district court properly granted summary judgment on Davis’ Eighth Amendment claim for sexual assault because Davis failed to raise a genuine dispute of material fact as to whether Dr. Uddin grabbed Davis’ genitals for his “own sexual gratification, or for the purpose of humiliating, degrading, or demeaning” Davis. *See Bearchild v. Cobban*, 947 F.3d 1130, 1144 (9th Cir. 2020) (requirements of an Eighth Amendment claim for sexual assault).

We do not consider issues that are not specifically and distinctly argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Roley v. Google LLC*, 40 F.4th 903, 911 (9th Cir. 2022).

AFFIRMED.