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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KENNETH LAW,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>E.K. McDANIEL, Warden; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-17686

D.C. No. 07-cv-00262-ECR-VPC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Edward C. Reed, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Kenneth Law, a Nevada state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that prison officials were deliberately indifferent to his safety. We have jurisdiction under 28

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

U.S.C. § 1291. We review de novo, *Oliver v. Keller*, 289 F.3d 623, 626 (9th Cir. 2002), and we affirm.

The district court properly granted summary judgment because Law failed to raise a genuine issue of material fact as to whether defendants had a culpable state of mind when approving requests for a copy of a book containing information that posed a risk to Law’s safety, or allowing the book into the prison facility. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (“[A] prison official cannot be found liable [for deliberate indifference] unless the official knows of and disregards an excessive risk to inmate . . . safety.”).

AFFIRMED.