

AUG 16 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMES LEE HELM,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>ADAM CHRISTIANSON, Sheriff, Stanislaus County; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 11-17342

D.C. No. 1:09-cv-02111-OWW-SKO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted August 8, 2012**

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

James Lee Helm, a California civil detainee, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging violations of his rights while he was a civil detainee at the Stanislaus County Jail. We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review de novo, *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order), and we affirm.

The district court properly dismissed Helm’s claims against defendants in their individual capacities because Helm failed to set forth facts linking defendants to the constitutional violations at issue. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677 (2009) (a plaintiff must plead that each defendant violated the Constitution through his own individual actions); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) (“Liability under section 1983 arises only upon a showing of personal participation by the defendant. A supervisor is only liable for the constitutional violations of his subordinates if the supervisor participated in or directed the violations, or knew of the violations and failed to act to prevent them.” (internal citations omitted)).

AFFIRMED.