

MAR 03 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS ALEC KIDWELL,

Plaintiff - Appellant,

v.

GEO GROUP INCORPORATED; et al.,

Defendants - Appellees.

No. 12-17615

D.C. No. 2:10-cv-02207-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted February 18, 2014**

Before: ALARCÓN, O’SCANNLAIN, and FERNANDEZ, Circuit Judges.

Arizona state prisoner Thomas Alec Kidwell appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations arising out of prison strip searches. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Nunez v. Duncan*, 591 F.3d 1217, 1222 (9th

* 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).

Cir. 2010). We affirm.

The district court properly granted summary judgment because Kidwell failed to raise a genuine dispute of material fact as to whether the four strip searches conducted as part of quarterly strip searches of all prisoners were unreasonable under the circumstances, and whether such searches were not reasonably related to a legitimate, penological interest. *See id.* at 1227-28 (setting forth the standards for evaluating prison searches and prison policies that allegedly infringe on prisoners' constitutional rights, and explaining that controlling contraband within a prison is a legitimate, penological interest); *see also Bull v. City & County of San Francisco*, 595 F.3d 964, 982 (9th Cir. 2010) (en banc) (upholding a policy requiring strip searches of all arrestees classified for custodial housing in the general population, "notwithstanding the lack of individualized reasonable suspicion as to the individuals searched").

Kidwell's contentions regarding the declarations of defendant John Gay are unpersuasive.

Kidwell's request for oral argument, filed on February 19, 2013, is denied.

AFFIRMED.