

MAY 29 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GREGORY LYNN NORWOOD,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>JAMES E. TILTON, Director; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 13-15425

D.C. No. 1:08-cv-00059-AWI-DLB

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

California state prisoner Gregory Lynn Norwood appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging an Eighth Amendment violation in connection with a four-month denial of outdoor exercise. 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 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).

Jones v. Blanas, 393 F.3d 918, 926 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Norwood failed to raise a genuine dispute of material fact as to whether defendants acted with deliberate indifference when they restricted inmates' access to outdoor exercise in response to an inmate attack on staff and subsequent security concerns. *See Thomas v. Ponder*, 611 F.3d 1144, 1150-51, 1155 (9th Cir. 2010) (setting forth the elements of an Eighth Amendment claim in the context of the deprivation of outdoor exercise); *Norwood v. Vance*, 591 F.3d 1062, 1069-70 (9th Cir. 2010) (prison officials' decisions must be given deference when they relate to matters of security).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Norwood's contention concerning defendants' alleged failure to provide him with a letter pertaining to the attack is unpersuasive.

AFFIRMED.