

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2019

FOR THE NINTH CIRCUIT

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

LARRY W. JACKSON,

Plaintiff-Appellant,

v.

MATTHEW MUSSION; STOLC,
Unknown,

Defendants-Appellees,

and

CORE CIVIC RED ROCK
CORRECTIONAL CENTER; et al.,

Defendants.

No. 19-15040

D.C. No. 2:17-cv-03290-DJH-DMF

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

Diane J. Humetewa, District Judge, Presiding

Submitted September 18, 2019**

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

* 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).

Arizona state prisoner Larry W. Jackson appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging Eighth Amendment violations arising from a slip and fall incident. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under 28 U.S.C. § 1915A. *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Jackson's action because Jackson failed to allege facts sufficient to show that defendants knew of and disregarded a substantial risk to his health or safety. *See Farmer v. Brennan*, 511 U.S. 825, 834-37 (1994); *Starr v. Baca*, 652 F.3d 1202, 1205-06 (9th Cir. 2011) (because § 1983 suits do not support vicarious liability, plaintiffs must demonstrate defendants are individually liable for violations).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.