

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 12 2020

FOR THE NINTH CIRCUIT

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

MARCOS VACA,

Plaintiff-Appellant,

v.

TRINITY, Trinity Food Service at La Paz
County Sheriff Department; et al.,

Defendants-Appellees,

and

UNKNOWN PARTIES, named as Does 1-
30,

Defendant.

No. 19-16164

D.C. No. 2:18-cv-02242-JAT-CDB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted May 6, 2020**

Before: BERZON, N.R. SMITH, and MILLER, 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 Marcos Vaca appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging violations of his right to adequate food under the Fourteenth Amendment while he was a pretrial detainee. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal of a complaint for failure to state a claim under 28 U.S.C. § 1915A. *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). We affirm.

The district court properly dismissed Vaca's action because Vaca failed to allege facts sufficient to state a plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, plaintiff must present factual allegations sufficient to state a plausible claim for relief); *see also Gordon v. County of Orange*, 888 F.3d 1118, 1123-25 (9th Cir. 2018) (a pretrial detainee's claims arising out of the conditions of his confinement are analyzed under the Fourteenth Amendment); *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1138-39 (9th Cir. 2012) (to state a § 1983 claim against a private entity, a plaintiff must allege that the private entity acted under color of state law and his constitutional rights were violated as a result of a policy or custom of the private entity); *Starr v. Baca*, 652 F.3d 1202, 1207 (9th Cir. 2011) (a supervisor is liable under § 1983 "if there exists either (1) his or her personal involvement in the constitutional deprivation, or (2) a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation" (citation omitted)).

Vaca's request for copies of medical records and grievances from the La Paz County grievances process, set forth in the opening brief, is denied.

AFFIRMED.