

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 14 2022

FOR THE NINTH CIRCUIT

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

SHAYKH MUHAMMAD ABDUL BIN  
TALAL AL SAUD, AKA Shaykh  
Muhammad Abdul Aziz Khalid Bin Talal  
Alsaud,

Plaintiff-Appellant,

v.

JASON MEDLEY; DUPNICK, named as  
Sheriff Dupnick; JONATHAN P. SIRESS;  
DAVID CORONADO; FAY IBARA, named  
as Deputy Warden Fay Ibara Arizona;  
CARSON MCWILLIAMS, Southern  
Director; MIGUEL RETANA, State Prison  
Guard AZ; PYLE, State Prison Guard  
Arizona; KREAMER,

Defendants-Appellees.

No. 20-17052

D.C. No. 2:19-cv-01120-SPL-JFM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Steven Paul Logan, District Judge, Presiding

Submitted December 8, 2022\*\*

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\* 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).

Before: WALLACE, TALLMAN, and BYBEE, Circuit Judges.

Arizona state prisoner Shaykh Muhammad Abdul Bin Talal Al Saud appeals pro se from the district court's summary judgment for failure to exhaust administrative remedies in his 42 U.S.C. § 1983 action alleging various constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Albino v. Baca*, 747 F.3d 1162, 1168 (9th Cir. 2014) (en banc). We affirm.

The district court properly granted summary judgment on Al Saud's excessive force and deliberate indifference claims because Al Saud failed to exhaust his administrative remedies and failed to raise a genuine dispute of material fact as to whether administrative remedies were effectively unavailable to him. *See Ross v. Blake*, 578 U.S. 632, 638, 641-44 (2016) (explaining that an inmate must exhaust such administrative remedies as are available before bringing an action, and describing limited circumstances in which administrative remedies are unavailable); *Woodford v. Ngo*, 548 U.S. 81, 90 (2006) (“[P]roper exhaustion of administrative remedies . . . means using all steps that the agency holds out, and doing so properly (so that the agency addresses the issues on the merits).” (citation, internal quotation marks, and emphasis omitted)); *Albino*, 747 F.3d at 1172 (once the defendant has carried the burden to prove there was an available administrative remedy, the burden shifts to the plaintiff to produce evidence showing that administrative remedies were effectively unavailable to him).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or 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.**