

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 25 2021

FOR THE NINTH CIRCUIT

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

SAMMY LEE MORRIS,

No. 20-55580

Plaintiff-Appellant,

D.C. No. 3:19-cv-02378-MMA-
AGS

v.

G.A. GONZALES; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Submitted May 18, 2021**

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

California state prisoner Sammy Lee Morris appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his safety. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal

* 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).

under 28 U.S.C. § 1915A); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)). We affirm.

The district court properly dismissed Morris’s action because Morris failed to allege facts sufficient to show that defendants were deliberately indifferent to a substantial risk of harm to Morris by writing up and processing a rules violation report, or ordering a mental health assessment. *See Farmer v. Brennan*, 511 U.S. 825, 834, 836 (1994) (for an Eighth Amendment deliberate indifference to safety claim, the plaintiff must show the deprivation alleged was “objectively, sufficiently serious” and the defendant was deliberately indifferent to a “substantial risk of serious harm” (citation and internal quotation marks omitted)).

Morris’s “motion state claim with merit” (Docket Entry No. 6) is denied.

AFFIRMED.