

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2022

FOR THE NINTH CIRCUIT

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

MAXIMILIANO SILEONI,

No. 21-35854

Plaintiff-Appellant,

D.C. No. 1:21-cv-00008-BLW

v.

MEMORANDUM\*

BIXBY, Clinician; BARNES, Clinician;  
IDALEE LE, Clinician; HARTT, Clinician;  
BOGGS, Clinician; BAUMGARTNER,  
Clinician; BERRETT, Dr.; ELIASON, Dr.;  
BERRY, AKA Barry, Dr.; CHRISTENSEN,  
Warden; MCKAY, Deputy Warden;  
PATCHETT, Dr.; HOYLE, Clinician,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, District Judge, Presiding

Submitted December 8, 2022\*\*

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

Maximiliano Sileoni, an Idaho state prisoner, appeals pro se from the district

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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).

court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his mental health needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's ruling on cross-motions for summary judgment. *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 970 (9th Cir. 2011). We affirm.

The district court properly granted summary judgment for defendants because Sileoni failed to exhaust his administrative remedies and failed to raise a genuine dispute of material fact as to whether administrative remedies were effectively unavailable. *See 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)).

All pending motions are denied.

**AFFIRMED.**