

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 10 2023

FOR THE NINTH CIRCUIT

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

ROMMEL QUEROL,

Plaintiff-Appellant,

v.

RICHARDS, C.O.; A. SMITH; D. BELL; J.
LACY; T. LEMO; J. ROBERTSON;
MAREADY; T. LEMOS,

Defendants-Appellees.

No. 22-16343

D.C. No. 3:22-cv-01800-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

California state prisoner Rommel Querol appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging a conditions-of-confinement claim. We have jurisdiction under 28 U.S.C. § 1291. We review de

* 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).

novo a dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We reverse and remand.

The district court dismissed Querol’s action at the screening stage for failure to state a plausible claim. However, Querol alleged that defendants were aware that the only bathroom that inmates were allowed to use during work hours had a dangerous design that subjected inmates to potential injury while closing the door, and that because of the design, Querol’s finger was cut off while closing the door. Liberally construed, these allegations are “sufficient to warrant ordering [defendants] to file an answer.” *Wilhelm v. Rotman*, 680 F.3d 1113, 1116 (9th Cir. 2012); *see also Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (a prison official violates the Eighth Amendment if he or she knows of a substantial risk of serious harm to an inmate and fails to take reasonable measures to avoid the harm). We therefore reverse the judgment and remand for further proceedings.

REVERSED and REMANDED.