

1 Judgment, none of defendants Dr. Karen Gedney, Dr. Marsha Johns, John Peery, and Robert
2 Bannister treated Plaintiff during the time period pled in his Complaint. [Dkt. #46 at Exhibit A.]
3 It appears Defendant Bannister only denied Plaintiff's grievance. (Doc. #46 at Exhibit E-2).

4 6. Pursuant to the medical records submitted with Defendants' Motion for Summary
5 Judgment, defendant Howard Skolnick did not appear in any of the Plaintiff's medical records
6 or any grievances. [Doc. #46 at Exhibits A and E.]

7 CONCLUSIONS OF LAW

8 1. A party is entitled to summary judgment if "the pleadings, depositions, answers
9 to interrogatories and admissions on file, together with the affidavits, if any, show that there is
10 no genuine issue as to any material fact and that the moving part is entitled to judgment as a
11 matter of law." Fed.R.Civ.P. 56(c). In this case, Fed.R.Civ.P. 56 mandates dismissal because
12 Plaintiff has failed to state claim upon which relief can be granted for the reasons set forth
13 below.

14 2. In order to be held liable under Section 1983, a person acting under color of law
15 must have personally participated in the claimant's deprivation. *Taylor v. List*, 880 F.2d 1040,
16 1045 (9th Cir. 1989). As defendants Gedney and Johns did not provide any medical
17 treatment, deny any medical treatment, or even have any contact with Plaintiff during the time
18 period alleged in his Complaint, summary judgment is appropriate as these defendants.

19 3. Supervisory liability is not a recognized basis for relief in Section 1983 actions.
20 *Mortimer v. Baca*, 594 F.3d 714, 721 (9th Cir. 2010) (citing *Monell v. Dep't of Soc. Servs.*, 436
21 U.S. 658, 691 (1978)). When a claimant alleges wrongdoing on the part of a supervisor, that
22 supervisor cannot be held accountable under Section 1983 for the conduct of his or her
23 subordinates under a respondeat superior theory; the claimant must instead prove that the
24 supervisor participated in or directed the violations or knew of the violations and failed to act
25 to prevent them. *Taylor*, 880 F.2d at 1045. As defendants Peery and Skolnik were not
26 personally involved in any medical decisions regarding Plaintiff, summary judgment is
27 appropriate as to these defendants.
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