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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CURTIS RENEE JACKSON,

Plaintiff - Appellant,

v.

S. C. ROUSSEAU, et al.,

Defendants - Appellees.

No. 06-16974

D.C. No. CV-04-05198-OWW

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Oliver W. Wanger, District Judge, Presiding

Submitted February 26, 2008\*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Curtis Renee Jackson, a California state prisoner, appeals pro se from the district court's judgment dismissing for failure to state a claim his 42 U.S.C.

§ 1983 action alleging prison officials violated his Eight Amendment rights when

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

they moved him to a prison cell that was not wheelchair accessible. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Ramirez v. Galaza*, 334 F.3d 850, 853 (9th Cir. 2003), and we affirm.

The district court properly dismissed Jackson’s action for failure to state a claim because Jackson did not allege facts sufficient to show that defendants disregarded a risk to his safety when they temporarily moved him out of a wheelchair accessible prison cell. *See Johnson v. Lewis*, 217 F.3d 726, 733 (9th Cir. 2000) (explaining that where the conditions of confinement are challenged, a plaintiff must show that defendants knew of and disregarded an excessive risk to inmate safety); *see id.* at 731 (“[The] duration of a deprivation . . . must be considered in determining whether a constitutional violation has occurred.”)

Jackson’s remaining contentions are unavailing.

**AFFIRMED.**