

DEC 14 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HARRY J. WILLIBY,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JEANNE S. WOODFORD; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 08-17449

D.C. No. 2:04-CV-02560-JAM-JFM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Harry J. Williby, a former California state prisoner, appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his dental needs in violation of the Eighth Amendment.

* 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).

We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment on the Eighth Amendment claims because Williby did not raise a triable issue as to whether “the chosen course of treatment was medically unacceptable under the circumstances, and was chosen in conscious disregard of an excessive risk to [his] health.” *Id.* at 1058 (internal quotation marks and citation omitted).

The district court did not abuse its discretion by declining to exercise supplemental jurisdiction over the state-law claims after dismissing the federal claims. *See Bryant v. Adventist Health Sys./West*, 289 F.3d 1162, 1169 (9th Cir. 2002) (“Because the district court did not err in granting summary judgment on the federal claims, it did not abuse its discretion in dismissing the state-law claims.”).

Williby’s remaining contentions are unpersuasive.

AFFIRMED.