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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>DAVID MADDOX,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>CALIFORNIA DEPARTMENT OF<br/>CORRECTIONS AND<br/>REHABILITATION; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p> |
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No. 08-17374

D.C. No. 1:02-cv-05225-DLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Dennis L. Beck, Magistrate Judge,\*\* Presiding

Submitted December 15, 2009\*\*\*

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

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

\*\* Pursuant to 28 U.S.C. § 636(c)(1), the parties consented to proceed before a magistrate judge.

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

David Maddox, a 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 serious medical needs. We have jurisdiction pursuant to 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 claims against defendants Neubarth and Huang because Maddox failed to raise a genuine issue of material fact as to whether their treatment of his leg problems constituted deliberate indifference. *See id.* at 1059-60 (concluding that a difference of opinion concerning the appropriate course of treatment generally does not amount to deliberate indifference).

The district court properly granted summary judgment on the claims against defendant Lewis because Maddox failed to present any evidence supporting his claim that Lewis violated his constitutional rights. *See Leer v. Murphy*, 844 F.2d 628, 622-33 (9th Cir. 1988) (explaining that a state official is liable under § 1983 only if his actions cause the deprivation of a constitutional right).

Maddox's remaining contentions are unpersuasive.

Maddox's pending motion is denied.

**AFFIRMED.**