

JAN 25 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DARRYLE WILLIAMS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ARTHUR CALDERON; et al.,</p> <p>Defendants - Appellees.</p>

No. 09-15243

D.C. No. 1:03-cv-05389-LJO-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Darryle Williams, a California state prisoner, appeals pro se from the district court's summary judgment for defendants in his 42 U.S.C. § 1983 action alleging

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

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

that prison officials were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo a grant of summary judgment, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and for abuse of discretion the denial of a request for the appointment of counsel, *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991), and we affirm.

The district court properly granted summary judgment because Williams’s dissatisfaction with the medical treatment that he received constituted, at most, a difference of medical opinion, which is insufficient to establish deliberate indifference. *See Toguchi*, 391 F.3d at 1058 (“[A] mere difference of medical opinion is insufficient, as a matter of law, to establish deliberate indifference.”) (internal quotation marks, ellipses, and brackets omitted).

The district court did not abuse its discretion by denying Williams’s request for the appointment of counsel because the record does not demonstrate the necessary exceptional circumstances. *See Terrell*, 935 F.2d at 1017.

Williams’s remaining contentions are unpersuasive.

AFFIRMED.