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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CRAIG F. WEIGHALL,

Plaintiff - Appellant,

v.

DOUG WADDINGTON, Superintendent,
Stafford Creek Corrections Center; et al.,

Defendants - Appellees.

No. 09-35026

D.C. No. 2:06-cv-01675-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Washington state prisoner Craig F. Weighall appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

indifference to his serious medical needs. 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). We affirm.

The district court properly granted summary judgment because Weighall did not raise a genuine issue of material fact as to whether the defendants' chosen course of treatment of his amputation site was medically unacceptable. *See id.* at 1058 (holding that a difference of opinion about the best course of medical treatment does not amount to deliberate indifference).

AFFIRMED.