

APR 01 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CRAIG F. WEIGHALL,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DOUG WADDINGTON, Superintendent, Stafford Creek Corrections Center; et al.,</p> <p>Defendants - Appellees.</p>
---

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.**