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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARC CHARLES DAWSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>S. LATHAM; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-17255

D.C. No. 5:08-cv-00741-JF

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Jeremy Fogel, District Judge, Presiding

Submitted October 19, 2010\*\*

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Marc Charles Dawson, 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 medical needs. We have jurisdiction under 28 U.S.C.

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\* 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).

§ 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 because Dawson failed to raise a triable issue as to whether defendants' treatment of his symptoms after he was inadvertently administered one dose of unknown medication constituted deliberate indifference. *See id.* at 1057-60 (a prison official acts with deliberate indifference only if he knows of and disregards an excessive risk to inmate health, and a difference of opinion concerning the appropriate course of treatment generally does not amount to deliberate indifference); *Hallett v. Morgan*, 296 F.3d 732, 746 (9th Cir. 2002) (where a prisoner is alleging that delay of medical treatment evinces deliberate indifference, he must show that the delay led to further injury).

Dawson's remaining contentions are unpersuasive.

**AFFIRMED.**