

JUL 25 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT WILLIAM WALTERS,

Plaintiff - Appellant,

v.

M. EVANS, Warden; et al.,

Defendants - Appellees.

No. 10-15890

D.C. No. 3:07-cv-04921-TEH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Thelton E. Henderson, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Robert William Walters, 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. § 1291. We review de novo. *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir.

* 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).

2006). We affirm.

The district court properly granted summary judgment because Walters failed to raise a genuine dispute of material fact as to whether defendants' treatment of his shoulder and back injuries constituted deliberate indifference to his medical needs. *See Wilson v. Seiter*, 501 U.S. 294, 298 (1991) (inmate must establish that prison officials "possessed a sufficiently culpable state of mind" to implicate the Eighth Amendment); *Jett*, 439 F.3d at 1096 (deliberate indifference requires "a purposeful act or failure to respond to pain or possible medical need").

Walters's remaining contentions are unpersuasive.

AFFIRMED.