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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIO TIMMOTHY ORTEGA,

Plaintiff - Appellant,

v.

CORCORAN STATE PRISON; et al.,

Defendants - Appellees.

No. 10-17016

D.C. No. 1:09-cv-01531-MJS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Michael J. Seng, Magistrate Judge, Presiding**

Submitted July 12, 2011***

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

Mario Timmothy Ortega, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate

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

** Ortega consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

indifference to his medical needs. We have jurisdiction under 28 U.S.C. § 1291.

We review de novo a dismissal under 28 U.S.C. §§ 1915A and 1915(e)(2).

Resnick v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). We affirm.

The district court properly dismissed Ortega’s amended complaint because his allegations, at most, showed a difference of opinion regarding the treatment of his eye. *See Jackson v. McIntosh*, 90 F.3d 330, 332 (9th Cir. 1996) (explaining that a difference of opinion about medical care is “insufficient, as a matter of law, to establish deliberate indifference”).

Ortega’s remaining contentions are unpersuasive.

AFFIRMED.