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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALEJANDRO GONZALEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JOSEPH CHUDY,</p> <p>Defendant - Appellee.</p>
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No. 10-17307

D.C. No. 3:10-cv-02221-RS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Richard G. Seeborg, District Judge, Presiding

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N. R. SMITH, Circuit Judges.

Alejandro Gonzalez, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that defendant violated his Eight Amendment rights by acting with deliberate

* 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, and therefore denies Gonzalez’s request. *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. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Gonzalez’s deliberate indifference claim because Gonzalez did not allege facts suggesting that Chudy was deliberately indifferent to his medical needs when he denied Gonzalez’s grievances. *See Toguchi v. Chung*, 391 F.3d 1051, 1057-58 (9th Cir. 2004) (a prison official acts with deliberate indifference only if he knows of and disregards an excessive risk to the prisoner’s health and safety); *Nat’l Ass’n for the Advancement of Psychoanalysis v. Cal. Bd. of Psychology*, 228 F.3d 1043, 1049 (9th Cir. 2000) (When determining if the complaint states a claim for relief “we may consider facts contained in documents attached to the complaint.”).

Gonzalez’s remaining contentions are unpersuasive.

AFFIRMED.