

OCT 12 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES WILSON CALLOWAY,

Plaintiff - Appellant,

v.

CESAR L. SINNACO, Dr.; et al.,

Defendants - Appellees.

No. 10-16640

D.C. No. 5:07-cv-02335-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

California state prisoner James Wilson Calloway appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Calloway did not raise a genuine dispute of material fact as to whether defendant Sinnaco knew of and disregarded an excessive risk to him. *See id.* at 1057-58 (a prison official acts with deliberate indifference only if he knows of and disregards an excessive risk to an inmate's health and safety, and a difference of opinion about the best course of medical treatment does not amount to deliberate indifference).

The district court did not abuse its discretion in denying Calloway's motion for reconsideration because Calloway identified no proper ground for such relief. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration).

Calloway's remaining contentions are unpersuasive.

Calloway's motion to file corrections to his opening brief, filed on November 9, 2010, is granted.

AFFIRMED.