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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BRANDON RUIZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DR. AKINTOLA; NASEER,</p> <p>Defendants - Appellees.</p>
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No. 10-16516

D.C. No. 2:09-cv-00318-JAM-GGH

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
John A. Mendez, District Judge, Presiding

Submitted October 25, 2011\*\*

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

California state prisoner Brandon Ruiz 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 U.S.C.

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\* 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).

§ 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 Ruiz did not raise a genuine dispute of material fact as to whether defendants knew of and disregarded an excessive risk to his health. *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 or safety, and a difference of opinion about the best course of medical treatment does not amount to deliberate indifference).

Ruiz's remaining contentions are unpersuasive.

**AFFIRMED.**