

APR 26 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELBERT THOMAS MARTIN,

Plaintiff - Appellant,

v.

DONALD A. RAMBERG, M.D.,

Defendant - Appellee.

No. 10-56562

D.C. No. 5:08-cv-00827-SJO-JEM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted April 17, 2012**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Elbert Thomas Martin, 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 serious medical needs. We have jurisdiction under 28

* 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).

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

The district court properly granted summary judgment because Martin failed to raise a genuine dispute of material fact as to whether defendant's treatment of his back and leg pain constituted deliberate indifference. *See id.* at 1058 (prison officials act with deliberate indifference only if they know of and disregard an excessive risk to inmate health, and a difference of opinion concerning the appropriate course of treatment does not amount to deliberate indifference).

Martin's remaining contentions are unpersuasive.

AFFIRMED.