

JUL 12 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARNOLD AGUIRRE,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>J. ADAMO; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 11-16569

D.C. No. 3:09-cv-00763-MHP

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Marilyn H. Patel, District Judge, Presiding

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Arnold Aguirre, 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 serious medical needs. We have jurisdiction under 28 U.S.C.

* 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).

§ 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 Aguirre failed to raise a genuine dispute of material fact as to whether served defendants were deliberately indifferent to his dental or other serious medical needs. *See Rodriguez v. Maricopa Cnty. Cmty. Coll. Dist.*, 605 F.3d 703, 711 (9th Cir. 2010) (defendant is entitled to qualified immunity if there is no constitutional violation); *Toguchi*, 391 F.3d at 1056-60 (discussing deliberate indifference standard).

The district court did not abuse its discretion in denying Aguirre's motions for appointment of counsel because Aguirre failed to demonstrate exceptional circumstances. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (setting forth standard of review and "exceptional circumstance" requirement).

The district court did not abuse its discretion by granting defendants' motion to stay discovery. *See Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988) (district court did not abuse its discretion by staying discovery until the issue of immunity was decided).

Aguirre's remaining contentions are unpersuasive.

AFFIRMED.