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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HERMAN TIEMENS, Jr.,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>R. L. ANDREASEN; NADIM K. KHOURY,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 11-15941

D.C. No. 2:09-cv-00052-FCD-  
EFB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Frank C. Damrell, Jr., District Judge, Presiding

Submitted July 17, 2012\*\*

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

Herman Tiemens, Jr., 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

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\* 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 Tiemens failed to raise a genuine dispute of material fact as to whether defendants knowingly disregarded an excessive risk to his health in denying his requests for ice chips and pudding snacks to be served in conjunction with his heart medication. *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).

**AFFIRMED.**