

JUL 30 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDWIN SEVRENCE,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>N.D.O.C.; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 11-15234

D.C. No. 3:08-cv-00518-LRH-VPC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted July 17, 2012**

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

Nevada state prisoner Edwin Sevrence appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference in violation of the Eighth Amendment. 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, *Taylor v. List*, 880 F.2d 1040, 1044 (9th Cir. 1989), and we affirm.

The district court properly granted summary judgment on Sevrence’s deliberate indifference claims because Sevrence adduced no evidence creating a genuine dispute of material fact as to whether appellees were deliberately indifferent to Sevrence’s medical condition. *See Toguchi v. Chung*, 391 F.3d 1051, 1058 (9th Cir. 2004) (prisoner’s disagreement with doctors’ prescribed course of treatment will not establish deliberate indifference in the absence of evidence that treatment was medically unreasonable under the circumstances).

Sevrence’s “motion to include new papers” is denied, and appellees’ motion to strike the portions of Sevrence’s reply brief that include exhibits not contained in the district court record is granted. *See Tonry v. Sec. Experts, Inc.*, 20 F.3d 967, 974 (9th Cir. 1994) (“[It is a] basic tenet of appellate jurisprudence . . . that parties may not unilaterally supplement the record on appeal with evidence not reviewed by the court below.”).

AFFIRMED.