

SEP 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANTHONY AMMONS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>C. BAKEWELL; A. NANGALAMA,</p> <p>Defendants - Appellees.</p>

No. 11-17534

D.C. No. 2:10-cv-00544-KJM-DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

California state prisoner Anthony Ammons 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 Ammons failed to raise a genuine dispute of material fact as to whether defendant Bakewell was deliberately indifferent in her treatment of his eye injury. *See id.* at 1056-60 (discussing deliberate indifference standard).

The district court did not abuse its discretion in striking Ammons's motion for summary judgment that he filed after the scheduling order deadline because Ammons failed to show "good cause" for the untimely filing. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-09 (9th Cir. 1992) (stating standard).

AFFIRMED.