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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>STEVEN VLASICH,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JESUS JUAREZ; et al.,</p> <p>Defendants - Appellees.</p> |
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No. 11-15974

D.C. No. 1:05-cv-01615-LJO-GSA

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

California state prisoner Steven Vlasich 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 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 Vlasich failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his serious medical needs in discontinuing his Ritalin medication. *See id.* at 1058 (prison officials act with deliberate indifference only if they know of and disregard an excessive risk to inmate health; a difference of opinion concerning the appropriate course of treatment does not amount to deliberate indifference absent a showing that the course of treatment prescribed was medically unacceptable).

The district court did not abuse its discretion in denying Vlasich's motion to compel Dr. Fishback to produce copies of Vlasich's letters because there was no showing that the denial of the motion resulted in actual and substantial prejudice. *See Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002) (district court's "broad discretion . . . to permit or deny discovery . . . will not be disturbed except upon the clearest showing that denial of discovery results in actual and substantial prejudice" (citation and internal quotation marks omitted)).

We reject Vlasich's contention that the district court erred by denying his motion for copies and granting him leave to file only one copy of his opposition without proof of service.

We do not consider on appeal materials that were not before the district court.

AFFIRMED.