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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARTHUR L. JOHNSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DOEHRING, Medical Doctor; CORONA,</p> <p>Defendants - Appellees.</p>

No. 11-17973

D.C. No. 1:08-cv-01183-DCB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
David C. Bury, District Judge, Presiding

Submitted December 19, 2012**

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

Arthur L. Johnson, a California state prisoner, appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations and a state law negligence claim arising from treatment he received from defendants while incarcerated at Pleasant Valley State Prison. We

* 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).

have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Torres v. City of Madera*, 648 F.3d 1119, 1123 (9th Cir. 2011), and we affirm.

The district court properly granted summary judgment for Doehring on the state law negligence claim because Johnson failed to raise a genuine dispute of material fact on the issue of causation. *See Iletto v. Glock Inc.*, 349 F.3d 1191, 1203 (9th Cir. 2003) (stating elements for a negligence claim under California law); *Ortega v. Kmart Corp.*, 36 P.3d 11, 15 (Cal. 2001) (providing that, on the issue of causation in a negligence claim, a plaintiff must introduce evidence that it is more likely than not that defendant caused the injury; otherwise, defendant is entitled to judgment). Because Johnson expressly waived his claim against Corona on appeal, the judgment is final as to Corona, and it is now final as to Johnson based on this memorandum.

AFFIRMED.