

JAN 16 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIME IGNACIO ESTRADA,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>LINDA CAROL ROWE, M.D., Pelican Bay State Prison Doctor; et al.,</p> <p>Defendants - Appellees.</p>
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No. 12-15216

D.C. No. 3:08-cv-02801-MMC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Submitted January 15, 2013**

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

California state prisoner Jaime Ignacio Estrada 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

* 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 Estrada failed to raise a genuine dispute of material fact as to whether defendants' treatment of Estrada's chronic lower back pain evinced deliberate indifference. *See id.* at 1058 (prison officials act with deliberate indifference only if they know of and disregard an excessive risk to inmate health); *Jackson v. McIntosh*, 90 F.3d 330, 332 (9th Cir. 1996) (to establish that a difference of opinion amounted to deliberate indifference, a prisoner must show that the defendants' chosen course of treatment was medically unacceptable and in conscious disregard of an excessive risk to the prisoner's health).

We reject Estrada's contentions that the district court improperly denied his motion for appointment of counsel and medical expert and his motion to strike, misapplied the deliberate indifference standard, and erred in reviewing the pleadings and evidence.

AFFIRMED.