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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JESUS ESTEVEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ANTHONY HEDGPETH, Warden; et al.,</p> <p>Defendants - Appellees.</p>

No. 12-15758

D.C. No. 1:07-cv-01553-ROS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Roslyn O. Silver, District Judge, Presiding**

Submitted January 15, 2013***

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

California state prisoner Jesus Estevez 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 Honorable Roslyn O. Silver, Chief United States District Judge for the District of Arizona, sitting by designation.

*** 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 Estevez failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent regarding any denial, delay, or interference with Estevez's ability to receive back surgery or ongoing pain management. *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 Estevez's contentions that the district court erred in its denial of Estevez's motion for injunctive relief, denial of judicial notice of his state court habeas proceeding, or application of the deliberate indifference standard.

Estevez's motion for oral argument is denied.

AFFIRMED.