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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERT LIONEL SANFORD,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>LEVIN, Chief Medical Officer (CSP); et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 10-56160

D.C. No. 3:08-cv-01049-H-PCL

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted February 11, 2013**

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Former California state prisoner Robert Lionel Sanford 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

* 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 to defendants because Sanford failed to raise a genuine dispute of material fact as to whether defendants consciously disregarded Sanford's need for post-operative care, including in addressing a nasal bleed, after he had surgery for chronic sinus problems. *See id.* at 1057-58 (neither negligence nor difference of opinion between doctor and prisoner concerning the appropriate course of treatment amounts to deliberate indifference to serious medical needs).

AFFIRMED.