

JUN 26 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES EDWARD WILLIAMS,

Plaintiff - Appellant,

v.

TABBAA MUMTAZ, Doctor; et al.,

Defendants - Appellees.

No. 12-16317

D.C. No. 5:10-cv-02715-RMW

MEMORANDUM*

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

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

California state prisoner James Edwards Williams 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. § 1291. We review de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th

* 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).

Cir. 2004), and we affirm.

The district court properly granted summary judgment because Williams failed to raise a genuine dispute of material fact as to whether defendants knew of and consciously disregarded a serious risk of harm to his health. *See Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (setting forth objective and subjective prongs of deliberate indifference claim); *Toguchi*, 391 F.3d at 1059-1060 (neither a difference of opinion concerning the course of treatment nor mere negligence in diagnosing or treating a medical condition amounts to deliberate indifference); *see also Galen v. County of Los Angeles*, 477 F.3d 652, 662 (9th Cir. 2007) (§ 1983 does not provide a cause of action for alleged violations of state law).

We do not consider matters raised for the first time on appeal. *See Dream Palace v. County of Maricopa*, 384 F.3d 990, 1005 (9th Cir. 2004) (explaining the reasons for not considering new arguments on appeal, i.e., that doing so would deprive the court of appeals “of a fully developed factual record” and “the benefit of the district court’s prior analysis”).

Williams’s pending motions are denied.

AFFIRMED.