

AUG 02 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GERMAN COREAS,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>MILLER, Registered Nurse,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 12-17538

D.C. No. 1:10-cv-00703-LJO-JLT

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

California state prisoner German Coreas 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 Cir.

* 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).

2004), and we affirm.

The district court properly granted summary judgment because Coreas failed to raise a genuine dispute of material fact as to whether a one-day delay in changing Coreas's bandages following knee surgery caused him to contract cellulitis or to suffer further injury and undue pain. *See Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006) (setting forth standard for deliberate indifference to serious medical needs, and explaining that a prisoner must show harm "caused by" the indifference to establish deliberate indifference); *Toguchi*, 391 F.3d at 1057-58 (neither negligence nor prisoner's difference of opinion with prison medical authorities is sufficient to state a deliberate indifference claim); *Hallet v. Morgan*, 296 F.3d 732, 746 (9th Cir. 2002) (prisoner alleging deliberate indifference based on delay in treatment must show that delay led to further injury).

Coreas's contentions regarding the district court's alleged failure to review his medical journal evidence, and to weigh properly the testimony of an expert witness submitted by defendant, are unpersuasive.

AFFIRMED.