

FEB 27 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CLARENCE DAVIS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CAROL BRADSHAW, Dentist,</p> <p>Defendant - Appellee.</p>

No. 12-56345

D.C. No. 5:10-cv-01159-CBM-RNB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, District Judge, Presiding

Submitted February 18, 2014**

Before: ALARCÓN, O’SCANNLAIN, and FERNANDEZ, Circuit Judges.

Clarence Davis, a California state prisoner, 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 Davis failed to raise a genuine dispute of material fact as to whether defendant was deliberately indifferent in treating his decayed tooth. *See id.* at 1057 (discussing the standard for deliberate indifference and explaining that mere negligence does not give rise to an Eighth Amendment violation).

AFFIRMED.