

MAY 29 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>VICTOR JOSE QUINTANA,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ERIC ESPINOSA,</p> <p>Defendant - Appellee.</p>

No. 13-16640

D.C. No. 2:09-cv-03221-KJM-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Victor Jose Quintana, 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 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 Quintana failed to raise a genuine dispute of material fact as to whether Espinosa was deliberately indifferent to his medical needs. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (a prison official is deliberately indifferent only if he or she “knows of and disregards an excessive risk to inmate health or safety”); *Toguchi*, 391 F.3d at 1060 (“Deliberate indifference is a high legal standard. A showing of . . . negligence is insufficient to establish a constitutional deprivation under the Eighth Amendment.”).

AFFIRMED.