

MAY 19 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERIC SION GREGORY,

Plaintiff - Appellant,

v.

ANN BOLLAY, Dr., individual; et al.,

Defendants - Appellees.

No. 14-55599

D.C. No. 2:12-cv-07805-SVW-
MRW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted May 13, 2015**

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

Eric Sion Gregory, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging violations of state and federal law in connection with his medical treatment. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Toguchi v. Chung*,

* 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).

391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment on Gregory's Eighth Amendment deliberate indifference claim because Gregory failed to raise a genuine dispute of material fact as to whether Bollay knew of or disregarded an excessive risk of serious harm to Gregory's health. *See Toguchi*, 391 F.3d at 1057-58 (a prison official acts with deliberate indifference only if the official knows of and disregards an excessive risk to inmate health; neither a prisoner's difference of opinion concerning the course of treatment nor mere negligence in treating a medical condition amounts to deliberate indifference).

AFFIRMED.