

AUG 05 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NOEL KEITH WATKINS,

Plaintiff-Appellant,

v.

BICK; DHILLON,

Defendants-Appellees.

No. 15-15817

D.C. No. 2:13-cv-00416-WBS-
CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

California state prisoner Noel Keith Watkins 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 Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

2004). We affirm.

The district court properly granted summary judgment because Watkins failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his cardiological pain. *See id.* at 1057-58 (to establish deliberate indifference, treatment must be “medically unacceptable under the circumstances” and “chosen in conscious disregard of an excessive risk” to a prisoner’s health (citation and internal quotation marks omitted); neither negligence nor a prisoner’s difference of opinion with prison medical authorities constitutes deliberate indifference).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.