

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 30 2017

FOR THE NINTH CIRCUIT

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

ROBERTO CAMPA LOPEZ,

Plaintiff-Appellant,

v.

R. RICE, Lt; et al.,

Defendants-Appellees.

No. 16-16228

D.C. No. 3:13-cv-03330-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Roberto Campa Lopez, 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

* 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).

Cir. 2004). We affirm.

The district court properly granted summary judgment because Lopez failed to raise a genuine dispute of material fact as to whether any of the defendants consciously disregarded an excessive risk to Lopez's health. *See Zetwick v. County of Yolo*, 850 F.3d 436, 441 (9th Cir. 2017) (summary judgment appropriate when "the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party" (citation and internal quotation marks omitted)); *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006) (deliberate indifference is demonstrated by a purposeful act or failure to respond to a prisoner's pain or medical need and harm caused by the indifference).

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

AFFIRMED.