

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 20 2017

FOR THE NINTH CIRCUIT

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

RAYMOND ALLEN REDWINE,

Plaintiff-Appellant,

v.

R. BRANCH, M.D., Physician and Surgeon,
C.T.F. North Medical,

Defendant-Appellee.

No. 17-15038

D.C. No. 3:15-cv-03109-TEH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Thelton E. Henderson, District Judge, Presiding

Submitted November 15, 2017**

Before: CANBY, TROTT, and GRABER, Circuit Judges.

Raymond Allen Redwine, 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), and we affirm.

The district court properly granted summary judgment because Redwine failed to raise a genuine dispute of material fact as to whether defendant knew of and disregarded an excessive risk to Redwine's serious medical needs. *See id.* at 1057-58 (a prison official acts with deliberate indifference only if he or she knows of and disregards an excessive risk to the prisoner's health; a mere difference in medical opinion is insufficient to establish deliberate indifference; a plaintiff "must show that the chosen course of treatment was medically unacceptable under the circumstances" (citation and internal quotation marks omitted)); *see also Roberts v. Spalding*, 783 F.2d 867, 870 (9th Cir. 1986) (a prisoner has no constitutional right to outside medical care to supplement the medical care provided by the prison).

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).

We do not consider documents and facts not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) ("Documents or facts not presented to the district court are not part of the record on appeal.").

AFFIRMED.