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OCT 26 2018

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DARREN VINCENT FORD,

Plaintiff-Appellant,

v.

JAHANGIRI, Doctor,

Defendant-Appellee.

No. 18-15324

D.C. No. 2:15-cv-02588-GEB-DB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, Jr., District Judge, Presiding

Submitted October 22, 2018\*\*

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

California state prisoner Darren Vincent Ford appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his health or safety. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We

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\* 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).

1 affirm.

2       The district court properly granted summary judgment because Ford failed  
3 to raise a genuine dispute of material fact as to whether Dr. Jahangiri consciously  
4 disregarded the risk presented by Ford’s threat to commit suicide if he were not  
5 transferred to another facility for treatment. *See Farmer v. Brennan*, 511 U.S. 825,  
6 837 (1994) (deliberate indifference requires that a prison “official knows of and  
7 disregards an excessive risk to inmate health or safety”); *see also Toguchi*, 391  
8 F.3d at 1058-60 (medical malpractice, negligence, or a difference of opinion  
9 regarding the course of treatment do not amount to deliberate indifference).

10       The district court did not abuse its discretion in denying Ford’s motion for  
11 additional discovery because Ford failed to demonstrate that he suffered any actual  
12 and substantial prejudice. *See Laub v. U.S. Dep’t of Interior*, 342 F.3d 1080, 1093  
13 (9th Cir. 2003) (“A district court is vested with broad discretion to permit or deny  
14 discovery, and a decision to deny discovery will not be disturbed except upon the  
15 clearest showing that the denial of discovery results in actual and substantial  
16 prejudice to the complaining litigant.” (citation and internal quotation marks  
17 omitted)).

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

1           We reject as without merit Ford’s contention that the magistrate judge was  
2   biased against him.

3           Ford’s request for appointment of counsel, set forth in the opening brief, is  
4   denied.

5           **AFFIRMED.**