

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 30 2019

FOR THE NINTH CIRCUIT

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

RODNEY JEROME WOMACK,

No. 18-15764

Plaintiff-Appellant,

D.C. No. 2:15-cv-00533-MCE-KJN

v.

MEMORANDUM*

J. WINDSOR, MD; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted May 21, 2019**

Before: THOMAS, Chief Judge, and FRIEDLAND and BENNETT, Circuit
Judges.

Rodney Jerome Womack, 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 Womack failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his ankle pain. *See id.* 1057-60 (a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to inmate health; a difference of opinion concerning the course of treatment does not amount to deliberate indifference); *see also Peralta v. Dillard*, 744 F.3d 1076, 1087 (9th Cir. 2014) (reliance on the decisions of qualified providers does not constitute deliberate indifference); *Jett v. Penner*, 439 F.3d 1091, 1098 (9th Cir. 2006) (delays must result in substantial harm to constitute deliberate 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.