

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 20 2020

FOR THE NINTH CIRCUIT

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

PERRY PARKER,

No. 19-16824

Plaintiff-Appellant,

D.C. No. 2:17-cv-02904-SPL

v.

MEMORANDUM*

LORI JOHNSON, (BSA) (FHA), facility
health administrator, Arizona Department of
Corrections, Yuma; et al.,

Defendants-Appellees,

and

LISA LYNN, Dr., physician/nurse
practitioner at Arizona Department of
Corrections, Yuma; et al.,

Defendants.

Appeal from the United States District Court
for the District of Arizona

Steven Paul Logan, District Judge, Presiding

Submitted July 14, 2020**

Before: CANBY, FRIEDLAND, and R. NELSON, Circuit Judges

* 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).

Arizona state prisoner Perry Parker appeals pro se from the district court's summary judgment in his action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Doe v. Abbott Labs.*, 571 F.3d 930, 933 (9th Cir. 2009). We affirm.

The district court properly granted summary judgment on Parker's deliberate indifference claims because Parker failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to Parker's chronic back pain. *See Toguchi v. Chung*, 391 F.3d 1051, 1057-60 (9th Cir. 2004) (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, medical malpractice, and negligence in diagnosing or treating a medical condition do not amount to 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).

Parker's motion for reconsideration (Docket Entry No. 11) and motion to grant judgment (Docket Entry No. 22) are denied.

AFFIRMED.