

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 17 2020

FOR THE NINTH CIRCUIT

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

MICHAEL GREEN, AKA Kevin Dean
Brewer,

Plaintiff-Appellant,

v.

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES; et al.,

Defendants-Appellees,

and

EDMUND G. BROWN, Jr.; et al.,

Defendants.

No. 19-16715

D.C. No. 3:18-cv-00648-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted September 8, 2020**

Before: TASHIMA, SILVERMAN, and OWENS, 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).

California state prisoner Michael Green 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 Cir. 2004). We affirm.

The district court properly granted summary judgment because Green failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his priapism and chronic pain. *See id.* at 1057-58 (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 id.* at 1058 (“[T]o prevail on a claim involving choices between alternative courses of treatment, a prisoner must show that the chosen course of treatment was medically unacceptable under the circumstances, and was chosen in conscious disregard of an excessive risk to [the prisoner’s] health[.]” (citation and internal quotation marks omitted)).

The motion of defendants Fu, Kumar, Omosaiye, Bright, Ellis, Pagong, and Erguiza to amend the caption (Docket Entry No. 21) is granted in part. The Clerk is instructed to add Gerald Ellis and San Fu as defendants-appellees to the caption. To the extent the motion seeks any other relief, it is denied unnecessary.

The Clerk is also instructed to file the answering brief, the supplemental

excerpts of record, and the reply brief submitted at Docket Entry Nos. 19, 20, and 22, respectively.

All other pending motions and requests are denied.

AFFIRMED.