

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2020

FOR THE NINTH CIRCUIT

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

MELINDA GABRIELLA VALENZUELA,

No. 18-17166

Plaintiff-Appellant,

D.C. No. 2:17-cv-00635-DLR

v.

MEMORANDUM*

KATAUSHIA THOMAS, Facility Health
Administrator at Lewis Complex; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
Douglas L. Rayes, District Judge, Presiding

Submitted December 2, 2020**

Before: WALLACE, CLIFTON, and BRESS, Circuit Judges.

Arizona state prisoner Melinda Gabriella Valenzuela appeals pro se from the district court's summary judgment in her 42 U.S.C. § 1983 action alleging deliberate indifference to her serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056

* 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).

(9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Valenzuela failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to her back pain. *See id.* at 1057-60 (a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to inmate health; medical malpractice, negligence or difference of opinion concerning the course of treatment does not amount to deliberate indifference).

We do not consider documents not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

Valenzuela's motion to order appellees to provide correct addresses (Docket Entry No. 34) is denied as moot.

AFFIRMED.