

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 7 2021

FOR THE NINTH CIRCUIT

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

MATTHEW ALLEN WOODS,

No. 20-15693

Plaintiff-Appellant,

D.C. No. 3:18-cv-08255-DJH-ESW

v.

STEPHANIE HERRICK, NP; CORRECT
CARE SOLUTIONS,

MEMORANDUM*

Defendants-Appellees.

and

SUMI ERNO,

Defendant.

Appeal from the United States District Court
for the District of Arizona
Diane H. Humetawa, District Judge, Presiding

Submitted June 21, 2021**

Before: SILVERMAN, WATFORD, and BENNETT, Circuit Judges.

Arizona state prisoner Matthew Allen Woods appeals pro se from the district

* 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).

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 on Woods's deliberate indifference claim against defendant Herrick because Woods failed to raise a genuine dispute of material fact as to whether Herrick was deliberately indifferent to Woods's chronic psoriasis. *See id.* at 1057-60 (a prison official acts with deliberate indifference only if he or she knows of and disregards an excessive risk to the prisoner's health; negligence and a mere difference in medical opinion are insufficient).

The district court properly granted summary judgment on Woods's deliberate indifference claim against defendant Correct Care Solutions because Woods failed to raise a genuine dispute of material fact as to whether any policy or custom of Correct Care Solutions caused him to suffer a constitutional injury. *See Castro v. County of Los Angeles*, 833 F.3d 1060, 1073-76 (9th Cir. 2016) (en banc) (discussing requirements to establish liability under *Monell v. Department of Social Services*, 436 U.S. 658 (1978)); *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1139 (9th Cir. 2012) (a private entity is liable under 42 U.S.C. § 1983 only if the entity acted under color of state law and the constitutional violation was caused by

the entity's official policy or custom).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Woods's motion to compel production of medical records (Docket Entry No. 11) is denied.

AFFIRMED.