

FILED

OCT 27 2021

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WARREN CLEVELAND GREEN,

Plaintiff-Appellant,

v.

O. AKINTOLA; et al.,

Defendants-Appellees,

and

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; et al.,

Defendants.

No. 20-16007

D.C. No.
2:14-cv-02854-TLN-AC

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted October 25, 2021**

Before: FERNANDEZ, SILVERMAN, and NGUYEN, 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).

Warren Green appeals the district court's grant of summary judgment in favor of the defendants in his prisoner civil rights action alleging deliberate indifference to a serious medical need. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006), and affirm.

Summary judgment was proper for the defendants. At most, Green established a difference of opinion between himself and the medical professionals regarding diagnosis and treatment of his serious medical need. Such a difference of opinion does not rise to the level of deliberate indifference. *Toguchi v. Chung*, 391 F.3d 1051, 1058 (9th Cir. 2004); *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989).

We decline to consider arguments not properly raised in the district court. *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

AFFIRMED.