

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2025

FOR THE NINTH CIRCUIT

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

AARON VRH,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; ELTON JOHN
CRENSHAW, Medical Doctor at San
Quentin State Prison; J. LEE; SAN
QUENTIN REHABILITATION CENTER,

Defendants - Appellees.

No. 24-1080

D.C. No. 3:19-cv-01329-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted September 17, 2025**

Before: SILVERMAN, OWENS, and BRESS, Circuit Judges.

California state prisoner Aaron Vrh appeals pro se from the district court's

* 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).

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 Vrh failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent in treating Vrh's thyroid condition and complaints regarding ear pain. *See Hamby v. Hammond*, 821 F.3d 1085, 1092 (9th Cir. 2016) (stating that a difference of opinion between a physician and a prisoner concerning appropriate medical care does not amount to deliberate indifference); *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006) (stating that deliberate indifference requires a purposeful act or failure to respond, and harm caused by the indifference).

The district court did not abuse its discretion in denying Vrh's motion to strike defendants' reply in support of their motion for summary judgment because the reply was timely filed. *See United States v. \$133,420.00 in U.S. Currency*, 672 F.3d 629, 637 (9th Cir. 2012) (standard of review).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal, including Vrh's contentions concerning the appointment of an expert

witness in district court. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Vrh's motion to amend his opening brief (Docket Entry No. 17) is denied as unnecessary because the referenced material is already part of the record on appeal. Vrh's motion for appointment of an expert witness (Docket Entry No. 36) is denied.

AFFIRMED.