

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 29 2026

FOR THE NINTH CIRCUIT

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

JEFFREY SCOTT ZIEGLER,  
  
Plaintiff - Appellant,

and

ALVIN L. HEGGE,  
  
Plaintiff,

v.

WASHINGTON STATE  
CORRECTIONAL INDUSTRIES; SUSAN  
KORTOKRAX; MONTOUGE, C.O.;  
JEANETTE TAYLOR; DON MILLER;  
BOBBI JO NEUMEIER; TIM LANG;  
JODIE M. WRIGHT, FKA Jody Wright,  
FKA Jodie Wright, CC2/RS; TOM M  
KALENIUS; JORDYN JONES, Assistant  
Attorney General; DAVID MISTACHKIN;  
SCOTT LIGHT, P.A.C.; LINDA  
WILLIAMS; FRANK FEENERTY; JACK  
S ENG; THOMAS L'HEUREUX, FKA  
Liheureux, MHO; SUSAN PIERINI;  
DAVID EDWARDS; DENNIS DAHNE,  
GC2; KELLY DOWNING, CO; RYAN  
GRAVES; WILLIAM LANE, FKA Lane;  
SARA SMITH-KARINKO, FKA Sara

No. 24-5389

D.C. No. 3:20-cv-05288-SAB

MEMORANDUM\*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Smith, FMD, DCMO; SHERIDEN  
ROBERTS, FKA Roberts, RN3;  
MARGARET GILBERT, Superintendent;  
TAMMY SCHOOLEY-KOSKI, FKA  
Tammy Schooley, FKA Tammy Schooley-  
Eskotee, CNA; SHANE L. EVANS, HSM2;  
JOHN DOE, Care Review Committee;  
LEELAND ROGGE, FKA Rogge, FKA  
Leland Rogge; JOHN DOE 1, Defendant(s);  
JANE DOE, Defendant(s); JOHN  
THOMPSON; TOMAS FITHIAN; RYAN  
HERRINGTON, FMD; KEITH PARRIS,  
HSM1/HSM2; SASHA BANGS, PAC;  
DAN L. VAN OGLE, Associate  
Superintendent; ROBERT SCHREIBER,  
ADA/CPM; JAIMIE NEWTON, RN3;  
ERIN LYSTAD, PAC; DENNIS DAYNE;  
NATHAN MONTAMBO, CO; DANIEL  
SELTZER,

Defendants - Appellees.

Appeal from the United States District Court  
for the Western District of Washington  
Stanley Allen Bastian, District Judge, Presiding

Submitted May 26, 2026\*\*

Before: S.R. THOMAS, MILLER, and H.A. THOMAS, Circuit Judges.

Washington state prisoner Jeffrey Scott Ziegler appeals pro se from the  
district court's summary judgment in his 42 U.S.C. § 1983 action alleging

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\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

deliberate indifference to his serious medical needs and state law claims. 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 Ziegler’s deliberate indifference claim because Ziegler failed to raise a genuine dispute of material fact as to whether any defendant was deliberately indifferent to Ziegler’s serious medical needs. *See id.* at 1057-60 (explaining that a defendant is deliberately indifferent only if the treatment was “medically unacceptable,” and that “difference[s] of medical opinion” are insufficient to show deliberate indifference (citation and internal quotation marks omitted)).

The district court did not abuse its discretion in declining to exercise supplemental jurisdiction over Ziegler’s state law claim. *See Dyack v. Northern Mariana Islands*, 317 F.3d 1030, 1037-38 (9th Cir. 2003) (setting forth standard of review and explaining that the district court may decline to exercise supplemental jurisdiction over state law claims where the district court “has dismissed all claims over which it has original jurisdiction” (quoting 28 U.S.C. § 1367(c)(3))).

The district court did not abuse its discretion in denying Ziegler’s motions for appointment of counsel because Ziegler failed to demonstrate “exceptional circumstances” warranting the appointment of counsel. *See Cano v. Taylor*, 739 F.3d 1214, 1218 (9th Cir. 2014) (setting forth standard of review and “exceptional

circumstances” requirement for appointment of counsel).

The district court did not abuse its discretion in denying Ziegler’s motion for an order to show cause because Ziegler did not show that defendants failed to comply with the district court’s orders or discovery rules. *See Kelly v. Wengler*, 822 F.3d 1085, 1094 (9th Cir. 2016) (setting forth standard of review).

The district court did not abuse its discretion in striking Ziegler’s sur-reply because it failed to comply with local rules. *See Ehart v. Lahaina Divers, Inc.*, 92 F.4th 844, 849 (9th Cir. 2024) (setting forth standard of review); *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) (“The district court has considerable latitude in managing the parties’ motion practice and enforcing local rules that place parameters on briefing.”); W.D. Wash. Civ. R. 7(g) (setting forth rules for sur-replies).

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

All pending motions are denied.

**AFFIRMED.**