

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

JOE VALDEZ DOMINGUEZ,

Plaintiff - Appellant,

v.

CHRISTOPHER BURKE; MD
ABRAHAM; DUC NGUYEN, MD; R.
ROSS, MD; YASMEN SHAUFTAN, MD;
J. GASCA, MD; Dr. CARL BOURNE;
LAWRENCE GAMBOA; J. JAVATE;
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; Dr. DARRIN
BRIGHT; Dr. KUMAR; RYAN KIM, Dr.;
Dr. QINGBO SUI,

Defendants - Appellees.

No. 25-115

D.C. No. 3:20-cv-09416-EMC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, 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).

Joe Valdez Dominguez, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs in connection with his treatment for gallstones. 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 Dominguez failed to raise a genuine dispute of material fact as to whether he suffered from a serious medical need or whether defendants were deliberately indifferent to his gallstones. *See Colwell v. Bannister*, 763 F.3d 1060, 1066 (9th Cir. 2014) (explaining that to make out a claim for deliberate indifference, a plaintiff must demonstrate both the existence of a serious medical need and that defendants knew of and disregarded an excessive risk to inmate health).

The district court did not abuse its discretion in denying leave to amend after granting summary judgment. *See Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1154 (9th Cir. 2014) (setting forth standard of review and factors to consider in assessing a motion for leave to amend).

AFFIRMED.