

NOT FOR PUBLICATION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

SHELDON RAY NEWSOME,

Plaintiff - Appellant,

v.

M. LOTERZSTAIN; F. DIRISU; LORI W.
AUSTIN; C. INNISS-BURTON,

Defendants - Appellees.

No. 25-1177

D.C. No.

2:19-cv-00307-DAD-JDP

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

California state prisoner Sheldon Ray Newsome 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. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo the district court’s ruling on cross-motions for summary judgment. *Hamby v. Hammond*, 821 F.3d 1085, 1090 (9th Cir. 2016). We affirm.

The district court properly granted summary judgment for defendant Loterzstain because Newsome failed to raise a genuine dispute of material fact as to whether Loterzstain acted with deliberate indifference to Newsome’s serious medical needs. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (deliberate indifference requires that “the official knows of and disregards an excessive risk to inmate health”); *Leer v. Murphy*, 844 F.2d 628, 634 (9th Cir. 1988) (summary judgment was appropriate where inmates failed to raise a triable dispute concerning the causal connection between the individual prison official’s actions and the violation).

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).

AFFIRMED.