

MAR 25 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TODD M. HONEYCUTT,

Plaintiff - Appellant,

v.

SANDY SNIDER; et al.,

Defendants - Appellees.

No. 12-16360

D.C. No. 3:11-cv-00393-RCJ-
WGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, Chief Judge, Presiding

Submitted March 12, 2013**

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Nevada state prisoner Todd M. Honeycutt 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 related to orthopedic shoes. We have

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

jurisdiction under 28 U.S.C. § 1291. We review de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment because Honeycutt failed to raise a genuine dispute of material fact as to whether defendants knew of and consciously disregarded his serious medical conditions warranting orthopedic footwear. *See Farmer v. Brennan*, 511 U.S. 825, 834, 837 (1994) (for deliberate indifference claim, prisoner must make a subjective showing that prison officials knew of and disregarded “an excessive risk to inmate health or safety”); *see also Toguchi*, 391 F.3d at 1059-60 (inmate’s difference of opinion with his physician, or a difference of opinion between physicians, as to what treatment is appropriate does not constitute deliberate indifference).

Issues raised by Honeycutt in his briefs that are not supported by argument, such as the denial of his post-judgment motion to alter or amend his complaint, are deemed waived. *See Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992).

AFFIRMED.