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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAIME IGNACIO ESTRADA,

Plaintiff - Appellant,

v.

C. MALO CLINES,

Defendant - Appellee.

No. 12-17044

D.C. No. 5:10-cv-04832-LHK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Lucy Koh, District Judge, Presiding

Submitted February 18, 2014**

Before: ALARCÓN, O’SANNLAIN, and FERNANDEZ, Circuit Judges.

California state prisoner Jaime Ignacio Estrada appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his back pain and related medical needs. 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 Estrada did not raise a genuine dispute of material fact as to whether defendant's decisions regarding Estrada's treatment for his back pain were "medically unacceptable under the circumstances, and [were] chosen in conscious disregard of an excessive risk to [Estrada's] health." *Id.* at 1058 (citation and internal quotation marks omitted) (a difference in medical opinion does not rise to the level of deliberate indifference). Estrada also failed to raise a genuine dispute of material fact as to whether defendant was deliberately indifferent to his need for a particular bunk placement. *See id.* at 1060 (deliberate indifference is a high legal standard; mere negligence does not suffice).

Estrada's requests for judicial notice, filed on April 8, 2013, and January 15, 2014, are denied.

AFFIRMED.