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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JERMAINE DEVON WATKINS,

Plaintiff - Appellant,

v.

CATHERINE BAUM, ARNP; STEVE
HAMMOND, MD,

Defendants - Appellees.

No. 14-35238

D.C. No. 3:11-cv-05494-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted May 24, 2016**

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

Washington state prisoner Jermaine Devon Watkins 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 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).

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 Watkins failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his urological and nephrological pain. *See id.* at 1057-58 (9th Cir. 2004) (neither negligence nor a prisoner’s difference of opinion with prison medical authorities constitutes deliberate indifference; treatment must be “medically unacceptable under the circumstances” and “chosen in conscious disregard of an excessive risk” to a prisoner’s health (citation and internal quotation marks omitted)).

We reject Watkins’ contentions that the district court failed to consider his evidence and erred in considering defendant Baum’s renewed motion for summary judgment.

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.