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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANNY JAY ROMERO,

Plaintiff - Appellant,

v.

VARGO; et al.,

Defendants - Appellees.

No. 10-36096

D.C. No. 3:07-cv-06083-MO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Danny Jay Romero, an Oregon state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to 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 Romero did not raise a genuine dispute of material fact as to whether defendants were deliberately indifferent in treating his foot pain. *See id.* at 1057-58 (prison officials act with deliberate indifference only if they know of and disregard an excessive risk to a prisoner's health; a difference of opinion about the best course of medical treatment does not amount to deliberate indifference).

Romero's remaining contentions are unpersuasive.

AFFIRMED.