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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARCUS BENJAMIN WARD,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>SHERMAN CHAMPEN, N.P.; et al.,</p> <p>Defendants - Appellees.</p>
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No. 12-15084

D.C. No. 2:10-cv-01942-MCE-DAD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Morrison C. England, Jr., Chief Judge, Presiding

Submitted December 19, 2012\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

California state prisoner Marcus Benjamin Ward 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

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\* 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 Ward failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his shoulder pain. *See id.* at 1057-58 (a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to an inmate's health and safety; neither negligence in diagnosing or treating a medical need, nor a prisoner's difference of opinion concerning the course of treatment, amounts to deliberate indifference).

The district court did not abuse its discretion in denying Ward's motion for a continuance of summary judgment because Ward failed to identify particular facts he hoped to discover to raise a genuine dispute of material fact. *See Hancock v. Montgomery Ward Long Term Disability Trust*, 787 F.2d 1302, 1306 & n.1 (9th Cir. 1986) (setting forth standard of review and explaining that a party seeking to continue summary judgment has the burden of showing what facts he or she hopes to discover to raise a triable dispute).

The district court did not abuse its discretion in denying Ward's motion to extend discovery because Ward failed to show good cause to amend the scheduling order. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08 (9th Cir.

1992) (setting forth standard of review and explaining that a party seeking to amend a scheduling order must show good cause).

We reject Ward's contention that the district court erred in denying his motion to certify counsel.

**AFFIRMED.**