

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 20 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AARON L. STRIBLING,

Plaintiff-Appellant,

v.

BROCK, Psychologist, Salinas Valley State
Prison; MAHAN, Psychologist, Salinas
Valley State Prison,

Defendants-Appellees.

No. 17-15698

D.C. No. 4:15-cv-03336-YGR

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Yvonne Gonzalez Rogers, District Judge, Presiding

Submitted November 15, 2017**

Before: CANBY, TROTT, and GRABER, Circuit Judges.

California state prisoner Aaron L. Stribling 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 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

§ 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 on Stribling's deliberate indifference claim concerning his mental health treatment because Stribling failed to raise a genuine dispute of material fact as to whether defendants knew of and disregarded an excessive risk to his health. *See id.* at 1057-60 (prison officials act with deliberate indifference only if they know of and disregard an excessive risk to an inmate's health; a difference of opinion between a prisoner and medical authorities regarding the appropriate course of treatment, negligence, or medical malpractice do not amount to deliberate indifference).

We do not consider Stribling's arguments concerning discovery issues in the district court that were raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.