

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2018

FOR THE NINTH CIRCUIT

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

PAUL ANTHONY ROBLEDO, AKA Paul
Robledo, AKA Paul A. Robledo,

Plaintiff-Appellant,

v.

NICOLE TAYLOR, Dr./ Psychologist at
ASPC-Florence,

Defendant-Appellee.

No. 17-15979

D.C. No. 2:14-cv-01864-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Arizona state prisoner Paul Anthony Robledo, AKA Paul Robledo, AKA Paul A. Robledo, 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

* 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).

needs. We have jurisdiction under 28 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 Robledo failed to raise a genuine dispute of material fact as to whether defendant knew of and disregarded an excessive risk to Robledo's mental health. *See id.* at 1057-60 (a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to an inmate's health; medical malpractice, negligence, or a difference of opinion concerning the course of treatment does not amount to deliberate indifference).

We reject as unsupported by the record Robledo's contention that the district court failed to consider his motion for reconsideration under Federal Rule of Civil Procedure 60(b)(3).

Robledo's motion to file an oversized reply brief (Docket Entry No. 78) is granted. The Clerk shall file the reply brief at Docket Entry No. 80.

All other pending motions are denied.

AFFIRMED.