

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2019

FOR THE NINTH CIRCUIT

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

JOEL CHAVEZ NUNEZ,

Plaintiff-Appellant,

v.

D. BRIGHT, Prison Doctor; T.
FRIEDERICHS, Prison Doctor,

Defendants-Appellees.

No. 18-17082

D.C. No. 3:17-cv-02034-RS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Richard Seeborg, District Judge, Presiding

Submitted September 18, 2019**

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

California state prisoner Joel Chavez Nunez 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 and safety. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056

* 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).

(9th Cir. 2004). We affirm.

The district court properly granted summary judgment because Nunez failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to Nunez's medical problems, or knew of and disregarded an excessive risk to Nunez's safety. *See Farmer v. Brennan*, 511 U.S. 825, 834, 837 (1994) (conditions of confinement claim requires showing that prisoner was subjected to a sufficiently serious deprivation and that defendants knew of and disregarded an excessive risk to prisoner's health or safety); *Toguchi*, 391 F.3d at 1057-60 (negligence, medical malpractice, or a difference of opinion regarding the course of treatment are insufficient to establish deliberate indifference).

AFFIRMED.