

NOT FOR PUBLICATION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

ANTONIO LUIS WILLIAMS,

No. 18-17430

Plaintiff-Appellant,

D.C. No. 5:17-cv-04050-LHK

v.

MEMORANDUM*

L. GAMBOA, M.D.; KIM KUMAR,

Defendants-Appellees,

and

J. CHUDY; J. LEWIN,

Defendants.

Appeal from the United States District Court
for the Northern District of California
Lucy H. Koh, District Judge, Presiding

Submitted September 18, 2019**

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

California state prisoner Antonio Luis Williams appeals pro se from the

* 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).

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. § 1291. We review de novo the district court's ruling on cross-motions for summary judgment. *Hamby v. Hammond*, 821 F.3d 1085, 1092 (9th Cir. 2016). We affirm.

The district court properly granted summary judgment for defendants because Williams failed to raise a genuine dispute of material fact as to whether defendants were deliberately indifferent to his medical needs resulting from the mass on his neck. *See Toguchi v. Chung*, 391 F.3d 1051, 1060-61 (9th Cir. 2004) (holding deliberate indifference is a high legal standard requiring a defendant be aware of and disregard an excessive risk to an inmate's health).

Contrary to Williams's contentions, there was no basis for the district court to enter default against defendants Drs. Kumar and Gamboa.

We reject as meritless Williams's contentions that the district court should not have dismissed defendant Dr. Chudy because Williams voluntarily dismissed him from the action.

To the extent the district court erred by stating in its November 26, 2018 order that Williams did not oppose defendants' motion for summary judgment and by not explicitly ruling on Williams's April 11, 2018 filing, these errors were harmless.

Williams's pending motions are denied.

AFFIRMED.