

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2023

FOR THE NINTH CIRCUIT

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

LARRY WILLIAM CORTINAS,

Plaintiff - Appellant,

v.

N. IKEGBU; N. OSMAN; B. HAILE; S.
GATES; T. PATTERSON; SPECIAL
APPEARANCE,

Defendants - Appellees.

No. 23-1670

D.C. No. 2:23-cv-00285-TLN-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted November 14, 2023**

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

California state prisoner Larry William Cortinas appeals pro se from the district court's order denying his motions for a preliminary injunction in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs

* 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).

and other constitutional claims. We have jurisdiction under 28 U.S.C.

§ 1292(a)(1). We review for an abuse of discretion. *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009). We affirm.

The district court did not abuse its discretion in denying Cortinas's motions for a preliminary injunction related to his medical deliberate indifference claim because Cortinas failed to establish that he is likely to succeed on the merits of his claim. *See id.* (plaintiff seeking preliminary injunction must establish that he is likely to succeed on the merits, he is likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in his favor, and an injunction is in the public interest); *see also Toguchi v. Chung*, 391 F.3d 1051, 1057-58, 1060 (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; medical malpractice, negligence, or a difference of opinion concerning the course of treatment does not amount to deliberate indifference).

We reject as without merit Cortinas's contention that the district court was required to hold an evidentiary hearing regarding Cortinas's motion for a preliminary injunction.

AFFIRMED.