



1 plaintiff's pain and instead directed him to continue the pain medication ordered by defendant  
2 Weaver and ordered him returned to his "cell in a lock-down unit." ECF No. 125 at 4.

3 To defeat defendant Friend's motion for summary judgment, plaintiff was required to  
4 present evidence, sufficient to raise a triable issue of material fact, that defendant Friend's acts  
5 and omissions were "medically unacceptable under the circumstances" and that defendant Friend  
6 "chose this course in conscious disregard of an excessive risk to plaintiff's health." *Jackson v.*  
7 *McIntosh*, 90 F.3d 330, 331 (9th Cir. 1996) (internal citations omitted). The evidence presented  
8 by plaintiff does not meet this burden. After *de novo* review, the court finds no evidence that the  
9 alleged acts and omissions by defendant Friend were the product of deliberate indifference to  
10 plaintiff's serious medical needs. For this additional reason, defendant Friend's motion for  
11 summary judgment will be granted.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The findings and recommendations filed July 11, 2016, are adopted in full; and
- 14 2. Defendants' motion for summary judgment (ECF No. 114) is granted as to defendant  
15 Friend and denied as to defendant Weaver.

16 DATED: September 22, 2016.

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19 UNITED STATES DISTRICT JUDGE

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