

DEC 10 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

TERRY LEE PAPERFUS,  
  
Plaintiff - Appellant,  
  
v.  
  
OREGON DEPARTMENT OF  
CORRECTIONS; et al.,  
  
Defendants - Appellees.

No. 06-35920

D.C. No. CV-05-00882-ALA

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Ann L. Aiken, District Judge, Presiding

Submitted December 3, 2007\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Terry Lee Papenfus, an Oregon state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging inadequate medical treatment. We have jurisdiction under 28 U.S.C. § 1291.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Reviewing de novo, *see Morrison v. Hall*, 261 F.3d 896, 900 (9th Cir. 2001), we affirm.

The district court properly granted summary judgment because Papenfus failed to raise a genuine issue of material fact as to whether defendants were deliberately indifferent to his back condition. *See Jackson v. McIntosh*, 90 F.3d 330, 332 (9th Cir. 1996) (explaining that a difference in opinion regarding the appropriate course of treatment does not amount to deliberate indifference to medical needs).

Papenfus's remaining contentions are unpersuasive.

**AFFIRMED.**