United States Court of Appeals FOR THE EIGHTH CIRCUIT

No. 10-3324

Andre Porter,	*	
	*	
Appellant,	*	
	*	
V.	*	
	*	
St. Louis County, Missouri; St. Louis	*	
County Health Department; Unknown	*	
Rotnick, St. Louis County Health	*	
Department, Individually and	*	
Officially; Unknown Todd, Doctor,	*	
St. Louis County Health Department,	*	
Individually and Officially; Rita	*	Appeal from the United States
Hendrick, Nursing Supervisor, St.	*	District Court for the Eastern
Louis County Health Department,	*	District of Missouri.
Individually and Officially; Deb	*	
Kinder, Head Nurse, St. Louis County	*	[UNPUBLISHED]
Health Department, Individually and	*	
Officially; R.N. Jane Unknown,	*	
Nurse, St. Louis County Health	*	
Department, Individually and	*	
Officially; Hector Sanchez, Nurse,	*	
St. Louis County Health Department,	*	
Individually and Officially; Kate	*	
Rudisill, Nurse, St. Louis County	*	
Health Department, Individually and	*	
Officially; Gary Preston, St. Louis	*	
County Health Department,	*	
Individually and Officially; Henry	*	
Willis, Correctional Officer, St. Louis	*	
County Justice Center, Individually	*	

and Officially; Tina Hahler,	
Caseworker, St. Louis County	
Justice Center, Individually and	
Officially; Alexis Woods,	*
Correctional Officer, St. Louis	
County Justice Center, Individually	
and Officially; Al Breeding, Unit	
Manager, St. Louis County Justice	
Center, Individually; Charles Dooley,	
County Executive, Officially; Roy	
Mueller, Director of Justice Services,	
Individually,	
-	*
Appellees.	*

Submitted: January 4, 2011 Filed: January 7, 2011

Before LOKEN, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Andre Porter appeals the adverse grant of summary judgment entered by the District Court¹ in this 42 U.S.C. § 1983 action. Having conducted de novo review of the record and viewing the evidence in the light most favorable to Porter, <u>see Mason v. Corr. Med. Servs., Inc.</u>, 559 F.3d 880, 884–85 (8th Cir. 2009) (standard of review), we cannot say that defendants' conduct rose to the level of deliberate indifference within the meaning of applicable case law, <u>see Langford v. Norris</u>, 614 F.3d 445, 459–60 (8th Cir. 2010). We also conclude that the District Court did not improperly

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

consider the affidavits that were notarized by defense counsel, and did not abuse its discretion in declining to appoint counsel. Accordingly, we affirm, <u>see</u> 8th Cir. R. 47B, and we deny Porter's motion for counsel.