

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 10-3391

Dirk Alan Christianson,

Appellant,

v.

Barb Morovits,

Appellee,

Tompkins Rehabilitation and
Corrections Center (TRCC),

Defendant.

*
*
*
* Appeal from the United States
* District Court for the
* District of North Dakota.
*
* (UNPUBLISHED)
*
*
*
*
*
*
*

Submitted: December 29, 2010

Filed: January 11, 2011

Before WOLLMAN, MELLOY, and GRUENDER, Circuit Judges.

PER CURIAM.

North Dakota inmate Dirk Christianson appeals from the district court's¹ 28 U.S.C. § 1915A dismissal with prejudice of his 42 U.S.C. § 1983 action against Barb Morovits, a licensed counselor at the Tompkins Rehabilitation and Corrections Center. Upon careful de novo review, we find no basis for reversal. See Will v. Mich. Dep't of State Police, 491 U.S. 58, 70-71 (1989) (because Eleventh Amendment immunizes state from suit, neither state nor its officials acting in their official capacities are "persons" under § 1983 when sued for damages); Gibson v. Weber, 433 F.3d 642, 646 (8th Cir. 2006) (Eighth Amendment claim based on inadequate medical attention requires proof that officials knew about excessive risks to inmate's health but disregarded them and that their unconstitutional actions in fact caused inmate's injuries; showing of deliberate indifference requires more than gross negligence); Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (§ 1915A dismissal reviewed de novo); Miner v. Brackney, 719 F.2d 954, 955 (8th Cir. 1983) (per curiam) (claims for defamation are not cognizable under § 1983); see also Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004) (in general, claims not presented in district court may not be advanced for first time on appeal).

Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Ralph R. Erickson, Chief Judge, United States District Court for the District of North Dakota, adopting the report and recommendations of the Honorable Karen K. Klein, United States Magistrate Judge for the District of North Dakota.