

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 16-4250

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Edward Carter

*Plaintiff - Appellant*

v.

Amanda King, RN/Health Service Administrator, Varner Unit; Jeremy Andrews,  
Former Assistant Warden, Varner Unit; Correctional Care Services; John and Jane  
Does, company share holders

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Pine Bluff

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Submitted: August 31, 2017  
Filed: September 15, 2017  
[Unpublished]

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Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Arkansas inmate Edward Carter appeals the district court's<sup>1</sup> adverse grant of summary judgment on his 42 U.S.C. § 1983 deliberate-indifference claim related to a medical decision to terminate a prescription that precluded him from having to use stairs.

After carefully reviewing the record and the parties' arguments on appeal, we conclude that the district court properly granted summary judgment. *See Beaulieu v. Ludeman*, 690 F.3d 1017, 1024 (8th Cir. 2012) (*de novo* review of grant of summary judgment, viewing record in light most favorable to nonmovant). To begin, we find no merit to Carter's suggestion that evidence in the record was falsified. *Cf. Clay v. Credit Bureau Enters., Inc.*, 754 F.3d 535, 539 (8th Cir. 2014) (to survive summary judgment motion, non-moving party must substantiate allegations with sufficient probative evidence that would permit finding in his favor based on more than speculation or conjecture). Furthermore, the evidence established beyond genuine dispute that the medical decision at issue was based upon an appropriate review of Carter's medical records, and Carter merely disagreed with that decision. *See Nelson v. Corr. Med. Servs.*, 583 F.3d 522, 528-29 (8th Cir. 2009) (prison official violates Eighth Amendment if official knows of and disregards serious medical need or substantial risk to inmate's health or safety); *Langford v. Norris*, 614 F.3d 445, 460 (8th Cir. 2010) (mere disagreement with treatment decisions does not rise to level of constitutional violation). Accordingly, we affirm. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Beth Deere, United States Magistrate Judge for the Eastern District of Arkansas.