

United States Court of Appeals
For the Eighth Circuit

No. 19-1125

Timothy Scott Freeman

Plaintiff - Appellant

v.

Corizon Health, Inc.; William Ingram, Doctor

Defendants - Appellees

Corizon Medical Staff; Polk County Jail Staff; Sara Doe

Defendants

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: September 24, 2019

Filed: October 4, 2019

[Unpublished]

Before LOKEN, COLLOTON, and GRASZ, Circuit Judges.

PER CURIAM.

Federal inmate Timothy Freeman appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Having carefully reviewed the record and the parties' arguments on appeal, we find the district court judge did not err in failing to recuse himself sua sponte, *see Fletcher v. Conoco Pipe Line Co.*, 323 F.3d 661, 663, 665 (8th Cir. 2003) (applying plain-error standard where recusal claim was not raised below, and noting an adverse ruling without clear showing of bias insufficient basis for disqualification); and, as Freeman had no constitutional right to counsel in this civil case, his remedy for any inadequate assistance of counsel is a legal malpractice suit, not reversal of the judgment, *see Glick v. Henderson*, 855 F.2d 536, 541 (8th Cir. 1988) (holding no claim of ineffective assistance of appointed counsel in § 1983 action exists because there is no constitutional right to appointed counsel in civil case; remedy was malpractice suit against attorney rather than a new trial). Finally, we conclude Freeman waived any arguments as to the viability of his claims. *See Doe v. Fort Zumwalt R-II Sch. Dist.*, 920 F.3d 1184, 1191 (8th Cir. 2019) (holding claim waiver where appellant did not challenge district court's rationale or entry of summary judgment).

The judgment is affirmed. *See* 8th Cir. R. 47B.

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.