

FILED
United States Court of Appeals
Tenth Circuit

February 1, 2008

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

LOUIS DEAN COSCO,

Plaintiff-Appellant,

v.

SCOTT ABBOTT, in his individual and official capacity as Warden, Wyoming State Penitentiary; JUDITH UPHOFF, in her individual and official capacity as Director of the Wyoming Department of Corrections; JERRY STEELE, WILLIAM HETTGAR, in their individual and official capacities as Associate Wardens, Wyoming State Penitentiary; ROBERT E. ORTEGA, in his individual and official capacity as Interim Director, Wyoming Department of Corrections; PATRICK M. ANDERSON, in his individual and official capacity as assistant/staff, Wyoming Department of Corrections; DR. JOHN COYLE, in his individual and official capacity as primary physician at Wyoming State Penitentiary,

Defendants-Appellees.

No. 07-8035
(D.C. No. 04-CV-346-WFD)
(D. Wyo.)

ORDER AND JUDGMENT*

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).* The case is (continued...)

Before **KELLY, McKAY, and ANDERSON**, Circuit Judges.

Louis Dean Cosco, proceeding pro se, appeals the district court's grant of summary judgment to defendants in this 42 U.S.C. § 1983 proceeding. We have jurisdiction under 28 U.S.C. § 1291.

Mr. Cosco brought a claim of deliberate indifference to his serious medical needs in violation of the Eighth Amendment and three claims alleging impairment of his right to access the courts and/or retaliation in violation of the First and Fourteenth Amendments. In a comprehensive order, the district court granted summary judgment on all of Mr. Cosco's claims. Having reviewed the district court's decision *de novo*, viewing the evidence in the light most favorable to Mr. Cosco, *see Hayes v. Marriott*, 70 F.3d 1144, 1146 (10th Cir. 1995), we affirm for substantially the reasons stated in the district court's March 29, 2007, Order Granting Defendants' Motions for Summary Judgment.

*(...continued)

therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Mr. Cosco's "Letter or Motion," which the court has construed as a motion for leave to file an amended or supplemental opening brief, is DENIED. The judgment of the district court is AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge