

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

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No. 10-2221

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Jesse Garcia,

Appellant,

v.

Marty C. Anderson, Warden;  
Dr. T. Tran; Dr. S. Stanton;  
Jane Doe; and John Doe, sued  
in their individual/official capacities,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.

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\* [UNPUBLISHED]

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Submitted: November 2, 2010  
Filed: November 17, 2010

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Before BYE, BOWMAN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Federal inmate Jesse Garcia appeals following the district court's<sup>1</sup> adverse grant of summary judgment in his action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and the Federal Tort Claims Act.

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<sup>1</sup>The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Jeanne J. Graham, United States Magistrate Judge for the District of Minnesota.

Having conducted de novo review, we conclude that summary judgment was warranted. See Mason v. Corr. Med. Servs., Inc., 559 F.3d 880, 884-85 (8th Cir. 2009) (summary judgment standard of review); see also Melford Olsen Honey, Inc. v. Adee, 452 F.3d 956, 966 (8th Cir. 2006) (reviewing de novo district court's application of state law). We also find no abuse of discretion in the denial of Garcia's motion to alter or amend judgment. See Christensen v. Qwest Pension Plan, 462 F.3d 913, 920 (8th Cir. 2006) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

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