

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

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No. 10-3324

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| Andre Porter,                           | * |
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| Appellant,                              | * |
|   | * |
| v.                                      | * |
|   | * |
| St. Louis County, Missouri; St. Louis   | * |
| County Health Department; Unknown       | * |
| Rotnick, St. Louis County Health        | * |
| Department, Individually and            | * |
| Officially; Unknown Todd, Doctor,       | * |
| St. Louis County Health Department,     | * |
| Individually and Officially; Rita       | * |
| Hendrick, Nursing Supervisor, St.       | * |
| Louis County Health Department,         | * |
| Individually and Officially; Deb        | * |
| Kinder, Head Nurse, St. Louis County    | * |
| Health Department, Individually and     | * |
| Officially; R.N. Jane Unknown,          | * |
| Nurse, St. Louis County Health          | * |
| Department, Individually and            | * |
| Officially; Hector Sanchez, Nurse,      | * |
| St. Louis County Health Department,     | * |
| Individually and Officially; Kate       | * |
| Rudisill, Nurse, St. Louis County       | * |
| Health Department, Individually and     | * |
| Officially; Gary Preston, St. Louis     | * |
| County Health Department,               | * |
| Individually and Officially; Henry      | * |
| Willis, Correctional Officer, St. Louis | * |
| County Justice Center, Individually     | * |

and Officially; Tina Hahler, \*  
Caseworker, St. Louis County \*  
Justice Center, Individually and \*  
Officially; Alexis Woods, \*  
Correctional Officer, St. Louis \*  
County Justice Center, Individually \*  
and Officially; Al Breeding, Unit \*  
Manager, St. Louis County Justice \*  
Center, Individually; Charles Dooley, \*  
County Executive, Officially; Roy \*  
Mueller, Director of Justice Services, \*  
Individually, \*  
\*  
Appellees. \*

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Submitted: January 4, 2011  
Filed: January 7, 2011

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Before LOKEN, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Andre Porter appeals the adverse grant of summary judgment entered by the District Court<sup>1</sup> in this 42 U.S.C. § 1983 action. Having conducted de novo review of the record and viewing the evidence in the light most favorable to Porter, see Mason v. Corr. Med. Servs., Inc., 559 F.3d 880, 884–85 (8th Cir. 2009) (standard of review), we cannot say that defendants’ conduct rose to the level of deliberate indifference within the meaning of applicable case law, see Langford v. Norris, 614 F.3d 445, 459–60 (8th Cir. 2010). We also conclude that the District Court did not improperly

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<sup>1</sup>The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

consider the affidavits that were notarized by defense counsel, and did not abuse its discretion in declining to appoint counsel. Accordingly, we affirm, see 8th Cir. R. 47B, and we deny Porter's motion for counsel.

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