

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

No. 11-1302

Michael J. Dahlin,

*

*

Appellant,

*

v.

*

*

*

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

Joan Fabian, D.O.C. Commissioner;

*

Jessica Symmes, M.C.F.-O.P.H.

*

[UNPUBLISHED]

Warden; David Paulsen, D.O.C.

*

Medical Director; Nanette Larson,

*

D.O.C. Health Service Supervisor;

*

Barbara Nelson, D.O.C.-R.N.-O.P.H.

*

Medical Supervisor; Keith Krueger,

*

M.D.-C.M.S. Inc.-O.P.H. Regional

*

Medical Director; Kathryn Reid,

*

R.N.-C.M.S. Inc.-O.P.H. Medical

*

Director; Stephen Craane, M.D.-C.M.S.

*

Inc.-O.P.H. Primary Physician;

*

Darin Haugland, C.M.S. Inc.-P.T.

*

Physical Therapist; D.O.C.,

*

Minnesota Department of Corrections;

*

C.M.S. Inc., Correctional Medical

*

Services Incorporated, individually and

*

in their official capacities,

*

*

Appellees.

*

Submitted: August 31, 2011
Filed: September 6, 2011

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Inmate Michael J. Dahlin appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Upon de novo review of the record, see Mason v. Corr. Med. Servs., Inc., 559 F.3d 880, 884-85 (8th Cir. 2009), we agree with the district court that Dahlin's Eighth Amendment claims were based solely on his disagreement with treatment decisions, see Nelson v. Shuffman, 603 F.3d 439, 448-49 (8th Cir. 2010) (prison physicians remain free to exercise their independent medical judgment, and inmate's mere disagreement of opinion over matters of expert medical judgment or over course of treatment does not rise to level of constitutional violation).² The district court also did not abuse its discretion in denying Dahlin's motion for appointment of a medical expert. The judgment is affirmed, and we deny Dahlin's request for an order directing appellees to provide him with an April 2011 incident report.

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

²We decline to address the new matters Dahlin raises on appeal, see Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004); or to consider the new evidence he offers, see Minn. Supply Co. v. Raymond Corp., 472 F.3d 524, 532 (8th Cir. 2006) (this court considers only evidence that was before district court when summary judgment ruling was made).