

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

---

No. 11-1302

---

Michael J. Dahlin,

Appellant,

v.

Joan Fabian, D.O.C. Commissioner;

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

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.

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

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

[UNPUBLISHED]

---

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's<sup>1</sup> 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).<sup>2</sup> 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.

---

<sup>1</sup>The 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.

<sup>2</sup>We 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).