

United States Court of Appeals
For the Eighth Circuit

No. 12-1419

Jerry Champion,

Plaintiff - Appellant,

v.

Wendy Kelley, Deputy Director of Health, Arkansas Department of Correction;
Walter Holloway, Infirmary Manager, East Arkansas Regional Unit, ADC;
Amanda Norman, Nurse, East Arkansas Regional Unit, ADC,

Defendants - Appellees.

Appeal from United States District Court
for the Eastern District of Arkansas - Helena

Submitted: December 4, 2012
Filed: December 26, 2012
[Unpublished]

Before LOKEN, BOWMAN, and COLLTON, Circuit Judges.

PER CURIAM.

After Arkansas Department of Correction (ADC) inmate Jerry Champion did not receive two of three daily doses of pain medication on January 26, 2010, he filed this 42 U.S.C. § 1983 action asserting claims of deliberate indifference to his serious

medical needs against the nurse who dispensed his medication, the infirmary director, and ADC's Deputy Director of Health. The district court¹ granted defendants' motions for summary judgment, and Champion appeals.

Following de novo review, see Beaulieu v. Ludeman, 690 F.3d 1017, 1024 (8th Cir. 2012), we agree with the district court that Champion's deliberate-indifference claims fail, because the record established there was no indifference to a serious medical need, much less deliberate indifference. See Estelle v. Gamble, 429 U.S. 97, 104-05 (1976) (deliberate indifference includes intentional interference with prescribed treatment; inadvertent or negligent failure to provide adequate medical care cannot be said to constitute "unnecessary and wanton infliction of pain"); Luckert v. Dodge Cnty., 684 F.3d 808, 817 (8th Cir. 2012) (prison supervisors are not liable under § 1983 on respondeat superior theory), petition for cert. filed, (Oct 24, 2012) (No. 12-523); Gardner v. Howard, 109 F.3d 427, 430 (8th Cir. 1997) (no § 1983 liability for violation of prison policy).

Accordingly, we affirm, see 8th Cir. R. 47B, and we deny all of the pending motions.

¹The Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).