

United States Court of Appeals
For the Eighth Circuit

No. 12-2729

Dennis James Gaede

Plaintiff - Appellant

v.

James T. Podrebarac; Leann K. Bertsch;
Warren Emmer; Tim Schuetzle; Kathy Bachmeier

Defendants - Appellees

Appeal from United States District Court
for the District of North Dakota - Bismarck

Submitted: February 28, 2013
Filed: March 8, 2013
[Unpublished]

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Inmate Dennis James Gaede appeals following 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 find no basis for overturning the grant of summary judgment to defendant dentist James T. Podrebarac, see Beaulieu v. Ludeman, 690 F.3d 1017, 1024 (8th Cir. 2012) (conjecture and speculation are insufficient to defeat summary judgment); Mason, 559 F.3d at 885 (inmate could not rely on inadmissible hearsay to avoid summary judgment); see also Nelson v. Shuffman, 603 F.3d 439, 449 (8th Cir. 2010) (inmates have no constitutional right to receive requested or particular course of treatment, and prison doctor is free to exercise independent medical judgment; inmate's mere difference of opinion on matters requiring medical judgment does not rise to level of constitutional violation). As to the remaining defendants,² they merely responded to Gaede's grievances, and in doing so, they consulted with Dr. Podrebarac. Cf. Meloy v. Bachmeier, 302 F.3d 845, 849 (8th Cir. 2002) (prison's medical treatment director who lacked medical expertise could not be liable for medical staff's diagnostic decisions). Finally, to the extent Gaede is challenging the district court's denial of his motion for reconsideration, we find no abuse of discretion. See Arnold v. ADT Sec. Servs., Inc., 627 F.3d 716, 721-22 (8th Cir. 2010). The judgment of the district court is affirmed.

¹The Honorable Daniel L. Hovland, United States District Judge for the District of North Dakota, adopting the report and recommendations of the Honorable Charles S. Miller, United States Magistrate Judge for the District of North Dakota.

²Gaede has waived his claims against Warren Emmer. See Carraher v. Target Corp., 503 F.3d 714, 716 n.2 (8th Cir. 2007).