

United States Court of Appeals
For the Eighth Circuit

No. 12-3133

Billy N. Culbertson

Plaintiff - Appellant

v.

Jim Roberson, Sheriff, Lonoke County Jail; Samantha Campbell, Jail Administrator, Lonoke County Jail; Christine Munnerlyn, Administrator, Lonoke County Jail

Defendants - Appellees

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

Submitted: May 23, 2013
Filed: June 4, 2013
[Unpublished]

Before LOKEN, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Billy N. Culbertson appeals the district court's dismissal of his 42 U.S.C. § 1983 damage action alleging deliberate indifference to his serious medical and mental health needs while incarcerated as a pretrial detainee at the

Lonoke County Jail from September 2006 to January 2008. Following an evidentiary hearing on the claim that he was overmedicated by jail staff under the supervision of the County Sheriff during part of that period, at which numerous witnesses including Culbertson and the defendant jailers testified, the magistrate judge issued proposed findings and recommendations concluding that Culbertson failed to prove by a preponderance of the evidence that defendants' actions in dispensing Culbertson's prescribed medications were taken with deliberate indifference to his serious medical needs. After Culbertson filed procedural and substantive objections to the magistrate judge's recommendations, the district court¹ entered an Order dismissing the complaint with prejudice, explaining:

After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the Court adopts them in their entirety.

Culbertson appeals, raising the same issues asserted in his objections to the magistrate judge's proposed decision, and additional issues we decline to consider because they are raised for the first time on appeal. After careful review of the evidentiary record properly reviewed *de novo* by the district court, we agree with the court's conclusion that Culbertson failed to prove his allegations of deliberate indifference to serious medical needs. Accordingly, we affirm.

¹The Honorable Kristine G. Baker, United States District Judge for the Eastern District of Arkansas, adopting the Proposed Findings and Recommendation of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.