

United States Court of Appeals
For the Eighth Circuit

No. 13-2482

Dexter D. Anderson

Plaintiff - Appellant

v.

United States of America; Warden B. R. Jett; S. Young, Associate Warden; C. Nickrenz, Associate Warden; Dr. M. Nelson, Clinical Director; L. Krieg, Doctor; J. Schultz, CDR-Rehab Services; J. Feda, DPT-OCS-Rehab Services; Federal Medical Center

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: May 6, 2014
Filed: May 7, 2014
[Unpublished]

Before BYE, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Federal inmate Dexter Anderson brought this action under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and the

Federal Tort Claims Act, claiming that several medical professionals who treated him for a knee injury at a federal medical center, along with the warden and two associate wardens at the center, were deliberately indifferent to his serious medical needs, were negligent in caring for him, and retaliated against him for exercising his constitutional rights when they downgraded his medical-care status and transferred him to another federal institution. Defendants moved for summary judgment, which the district court¹ granted. This appeal followed.

Upon careful de novo review, *see Holden v. Hirner*, 663 F.3d 336, 340 (8th Cir. 2011) (summary judgment standard of review), we conclude that the district court properly granted summary judgment for the reasons explained in the thorough report and recommendation that the court adopted. As a result, we also reject as meritless Anderson's argument that he was entitled to a jury trial. *See Harris v. Interstate Brands Corp.*, 348 F.3d 761, 762 (8th Cir. 2003). Accordingly, we deny his pending motion for oral argument, and we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Leo I. Brisbois, United States Magistrate Judge for the District of Minnesota.