

United States Court of Appeals
For the Eighth Circuit

No. 13-3347

James I. Toney

Plaintiff - Appellant

v.

Michael Hakala, Doctor, CMS, SECC, Individually; Debbie Vinson, Director of Nursing, CMS, SECC, Individually and Officially, also known as Debbie Vincent; William McKinney, Doctor, CMS, PCC, Individually and Officially; Lisa Spain, Director of Nursing, CMS, PCC, Individually and Officially; Kim Randolph, Health Services Administrator, CMS, PCC, Individually and Officially; Kim Klein, Registered Nurse, CMS, PCC, Individually and Officially

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: May 23, 2014

Filed: May 29, 2014

[Unpublished]

Before GRUENDER, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

James I. Toney appeals from the order of the District Court¹ granting summary judgment to the defendants in Toney's 42 U.S.C. § 1983 action alleging deliberate indifference to his medical needs. Viewing the record in the light most favorable to Toney, we conclude that summary judgment was proper for the reasons stated by the District Court. See Johnson v. Blaukat, 453 F.3d at 1108, 1112 (8th Cir. 2006) (noting the summary judgment standard of review). We further conclude that the District Court did not abuse its discretion in supervising the discovery process and the filing of pleadings or in its decisions to deny the appointment of counsel and an expert. See Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006) ("We will reverse a court's denial of appointed counsel only if it constitutes an abuse of discretion."); Level 3 Commc'ns, L.L.C. v. City of St. Louis, Mo., 540 F.3d 794, 796 (8th Cir. 2008) (explaining that we review a district court's discovery rulings for a gross abuse of discretion), cert. denied, 557 U.S. 935 (2009); Sierra Club v. Robertson, 28 F.3d 753, 760 (8th Cir. 1994) (reviewing the denial of a motion to file a second supplemental complaint for an abuse of discretion); U.S. Marshals Serv. v. Means, 741 F.2d 1053, 1059 (8th Cir. 1984) (en banc) (emphasizing that a court should appoint an expert witness "only under compelling circumstances").

We affirm the judgment of the District Court.

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.