

United States Court of Appeals
For the Eighth Circuit

No. 14-2140

Danny Sitton

Plaintiff - Appellant

v.

Correctional Medical Services; Erin Escamilla, Nurse; Dr. John A. Matthews; Dr. Thomas Baker; Pamela Swartz, Nurse; Dave Dormire, Warden; George Lombardi, Director, Missouri Department of Corrections

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: April 17, 2015
Filed: April 27, 2015
[Unpublished]

Before BYE, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Inmate Danny Sitton appeals the district court's¹ adverse grant of summary judgment on his claims against Correctional Medical Services and Dr. John A. Matthews in his 42 U.S.C. § 1983 action. We find no merit to Sitton's challenges to the grant of summary judgment. See Mason v. Corr. Med. Servs., Inc., 559 F.3d 880, 884-85 (8th Cir. 2009) (de novo review). We also find no abuse of discretion in the district court's denial of Sitton's motion for recusal. See 28 U.S.C. § 144 (requiring reassignment if party files timely and sufficient affidavit stating judge has personal bias or prejudice against him or in favor of adverse party); Bannister v. Delo, 100 F.3d 610, 614 (8th Cir. 1996) (judge presiding over case is presumed impartial and party bears substantial burden of proving otherwise; not all unfavorable dispositions towards individual or his case are properly described by terms bias or prejudice). The judgment of the district court is affirmed.

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.