

United States Court of Appeals
For the Eighth Circuit

No. 14-2614

Byron L. Wallace

Plaintiff - Appellant

v.

Estella Bland; Dr. William Warren; Dr. Troy Moore

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Pine Bluff

Submitted: January 30, 2015

Filed: February 9, 2015

[Unpublished]

Before LOKEN, COLLOTON, and KELLY, Circuit Judges.

PER CURIAM.

Arkansas inmate Byron L. Wallace appeals the grant of summary judgment dismissing his 42 U.S.C. § 1983 claims that two doctors and a nurse violated his Eighth Amendment right to adequate care and treatment of his diabetes condition at the Cummins Unit of the Arkansas Department of Corrections.

After de novo review, we agree with the district court that Wallace's claims against Nurse Estella Bland and Dr. Troy Moore were based solely on his disagreement with the course of treatment for his diabetes, and thus did not rise to the level of a constitutional violation. See Meuir v. Greene County Jail Employees, 487 F.3d 1115, 1118-19 (8th Cir. 2007). By failing to brief the issue, Wallace waived his objection to the district court's¹ conclusion that he failed to exhaust administrative remedies as to Dr. William Warren. See Hess v. Ables, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013). We cannot review Wallace's challenge to the magistrate judge's denial of his motions for appointment of counsel, as Wallace filed no objections to these orders in the district court. See McDonald v. City of St. Paul, 679 F.3d 698, 709 (8th Cir. 2012). His final motion for counsel to the district court was untimely and unsupported. Finally, we decline to consider new matters raised for the first time on appeal, see Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004).

Accordingly, the judgment of the district court is affirmed.

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.