

United States Court of Appeals
For the Eighth Circuit

No. 16-1131

Werner Wolfgang Rummer

Plaintiff - Appellant

v.

State of North Dakota; ND Department of Corrections; ND State Penitentiary;
Rough Rider Industries; Leann K. Bertsch; Timothy Schuetzle; Dennis Francazi;
Dennis Kroh; Pete Fried; Steve Johnson; Robyn T. Schmalenberger; Darcy
Klimpel; Kathy Bachmeier; Jessica Wilkins; John Hagan

Defendants - Appellees

Appeal from United States District Court
for the District of North Dakota - Bismarck

Submitted: December 21, 2016
Filed: December 28, 2016
[Unpublished]

Before SHEPHERD, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

North Dakota inmate Werner Wolfgang Rummer appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Viewing the summary judgment record in a light most favorable to Mr. Rummer, and drawing all reasonable inferences in his favor, see Peterson v. Kopp, 754 F.3d 594, 598 (8th Cir. 2014) (de novo review), we agree with the district court that there were no jury issues on Mr. Rummer's claims of deliberate indifference to his serious medical needs. See Nelson v. Shuffman, 603 F.3d 439, 449 (8th Cir. 2010) (inmate's mere difference of opinion over matters of expert medical judgment or course of medical treatment do not amount to constitutional violation); Popoalii v. Corr. Med. Servs., 512 F.3d 488, 499 (8th Cir. 2008) (deliberate indifference is akin to criminal recklessness, and inmate must show more than even gross negligence); see also Jackson v. Riebold, 815 F.3d 1114, 1119-20 (8th Cir. 2016) (inmate must place verifying medical evidence in record to establish detrimental effect of medical treatment delay). The judgment of the district court is affirmed. See 8th Cir. R. 47B.²

¹The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota, adopting the report and recommendations of the Honorable Charles S. Miller, Jr., United States Magistrate Judge for the District of North Dakota.

²We have not considered Mr. Rummer's challenges to orders denying his motions for counsel and discovery, including a discovery hearing, because the orders were issued by the magistrate and he did not object to the orders below. See Fed. R. Civ. P. 72(a) (where pretrial matter not dispositive of party's claim is referred to magistrate, party may serve and file objections to magistrate's order within 14 days; party may not assign error defect in order not timely objected to); see also St. Jude Med. S.C., Inc. v. Tormey, 779 F.3d 894, 901-02 (8th Cir. 2015) (party could not challenge magistrate's nondispositive pretrial discovery order on appeal as he did not timely file objections before district court).