

United States Court of Appeals
For the Eighth Circuit

No. 16-3955

Chad DuBois

Plaintiff - Appellant

v.

Michael Joe Hanvey, Physician's Assistant, Mike Durfee State Prison, in his individual and official capacities; Dr. Melvin Wallinga, Chief Physician, Mike Durfee State Prison, in his individual and official capacities; Dr. Mary Carpenter, Employee of South Dakota Department of Health, in her individual and official capacities

Defendants - Appellees

Appeal from United States District Court
for the District of South Dakota - Sioux Falls

Submitted: August 29, 2017

Filed: September 5, 2017

[Unpublished]

Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

In this pro se 42 U.S.C. § 1983 action, Chad DuBois appeals after the district court¹ adversely granted summary judgment on his claim that defendants were deliberately indifferent to his serious medical needs. He argues that the district court erred in granting defendants summary judgment, and abused its discretion in denying his motions for leave to amend his complaint, appointment of counsel, and discovery.

Having carefully reviewed the record and the parties' arguments on appeal, we conclude that the district court properly granted summary judgment. See Beaulieu v. Ludeman, 690 F.3d 1017, 1024 (8th Cir. 2012) (grant of summary judgment is reviewed de novo, viewing record in light most favorable to nonmovant); Vaughan v. Lacey, 49 F.3d 1344, 1346 (8th Cir. 1995) (disagreement over proper course of treatment is not actionable under Eighth Amendment). We further conclude that the district court did not abuse its discretion in denying DuBois's motion for leave to amend the complaint, because the proposed amendment would not have altered the analysis. See Kozlov v. Associated Wholesale Grocers, Inc., 818 F.3d 380, 395 (8th Cir. 2016) (denial of motion to amend complaint is reviewed for abuse of discretion). Finally, we conclude that the district court did not abuse its discretion in denying DuBois's motions for appointed counsel and discovery. See Toben v. Bridgestone Retail Operations, LLC, 751 F.3d 888, 895 (8th Cir. 2014) (district courts have wide discretion in handling discovery matters); Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998) (denial of request for appointed counsel is reviewed for abuse of discretion). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.