

United States Court of Appeals
For the Eighth Circuit

No. 18-2338

David Ditter

Plaintiff - Appellant

v.

Nebraska Department of Correctional Services; Scott Frakes, in his individual & official capacity; Randy T. Kohl, MD, in his individual & official capacity; Correct Care Solutions; Ronald Ogden, DDS, in his individual & official capacity; Lisa Mathews, in her individual & official capacity

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: February 1, 2019
Filed: February 5, 2019
[Unpublished]

Before COLLOTON, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Nebraska inmate David Ditter appeals following the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Viewing the record in a light most favorable to Ditter, and drawing all reasonable inferences in his favor, we find that the district court properly granted summary judgment. See Laganiere v. Cty. of Olmsted, 772 F.3d 1114, 1116 (de novo review). We also find no error in the district court's denial of Ditter's motions to add information to the record, and to preserve specific evidence for trial.² Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

²We have not considered claims Ditter has waived, evidence that was not part of the summary judgment record, or matters Ditter raises for the first time on appeal. See Combs v. Cordish Cos., 862 F.3d 671, 678 n.9 (8th Cir. 2017) (this court considers only evidence that was before district court when summary judgment ruling was made); Jenkins v. Winter, 540 F.3d 742, 751 (8th Cir. 2008) (where there is no meaningful argument on claim in opening brief, it is deemed waived); Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004) (declining to consider pro se appellant's new allegations, arguments, and claims).