

United States Court of Appeals  
For the Eighth Circuit

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No. 21-1718

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David James Brodigan

*Plaintiff - Appellant*

v.

Ben E. Swink, M.D., et al.

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: December 3, 2021

Filed: December 10, 2021

[Unpublished]

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Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

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PER CURIAM.

Missouri inmate David Brodigan appeals following the district court's<sup>1</sup> adverse grant of summary judgment dismissing his 42 U.S.C. § 1983 claims that defendants

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<sup>1</sup>The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

delayed or denied adequate medical treatment of his serious hernia condition in violation of the Eighth Amendment. We affirm the grant of summary judgment. See Cockram v. Genesco, Inc., 680 F.3d 1046, 1051 (8th Cir. 2012). We agree with the district court that Brodigan did not exhaust any claims regarding his pre-surgery treatment, see Jones v. Bock, 549 U.S. 199, 211, 218 (2007); no individual defendant was deliberately indifferent to his post-surgery complications, see Dulany v. Carnahan, 132 F.3d 1234, 1239-40 (8th Cir. 1997); and no reasonable jury could find that defendant Corizon, LLC had a policy or custom of denying or delaying necessary medical care, see Johnson v. Hamilton, 452 F.3d 967, 973 (8th Cir. 2006).

We also conclude that the court did not err in denying Brodigan's motions for a subpoena or depositions, see Vallejo v. Amgen, Inc., 903 F.3d 733, 742 (8th Cir. 2018), or for appointment of counsel, see Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998).

Accordingly, we affirm. See 8th Cir. R. 47B.

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