

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

TRAVIS L ADAMS,

Plaintiff,

v.

CASE NO. 4:05-cv-00450-MP-AK

MAXIMO VELASCO, et al.,

Defendants.

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**ORDER**

This matter is before the Court on Doc. 187, Report and Recommendation of the Magistrate Judge, recommending that the defendants' motions for summary judgment be granted. The time for filing objections has passed, and none have been filed.

Plaintiff alleges that the medical staff and supervisory staff at Madison Correctional Institution were deliberately indifferent to his serious medical needs. Plaintiff's complaints are two fold: that he should have been given a knee brace for his injured right knee; and that he should have been given Interferon treatment for Hepatitis C while incarcerated at Madison CI. The record is replete with sworn testimony showing that the Mr. Adams' medical complaints were addressed immediately but that Mr. Adams simply disagrees with the medical staff's decisions regarding diagnosis, treatment, and care. The Court agrees with the Magistrate Judge that such a disagreement does not state a claim for relief under the Eighth Amendment. A purely medical judgment "that in hindsight...may have been poor or even that it may have constituted negligence or medical malpractice does not elevate Plaintiff's claim to a tort of constitutional dimensions." Pate v. Peel, 256 F. Supp.2d 1326, 1327 (N.D. Fla. 2003), *citing* Harris v. Thigpen,

941 F.2d 1495, 1505 (11th Cir. 1991) (differences in opinion between medical staff and inmate do not state Eighth Amendment claim). Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The motions for summary judgment, docs. 121 and 123, are granted, and judgment should be entered against Plaintiff on all claims.

**DONE AND ORDERED** this 16th day of February, 2010

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge