

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2373

Cesar Smith Hernandez,

Appellant,

v.

Neal Mullins, Dr.; Sue McDonald,
Nurse; Captain Drake,

Appellees.

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* Appeal from the United States
* District Court for the
* Western District of Arkansas.
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* [UNPUBLISHED]
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Submitted: June 2, 2005

Filed: June 7, 2005

Before WOLLMAN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Federal inmate Cesar Smith Hernandez appeals the district court's¹ adverse entry of judgment, following an evidentiary hearing, in his 42 U.S.C. § 1983 action. Having carefully reviewed the record, see Choate v. Lockhart, 7 F.3d 1370, 1373 & n.1 (8th Cir. 1993) (standard of review), we agree with the district court's assessment

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas.

of the merits of Hernandez's lawsuit. Accordingly, we affirm. See 8th Cir. R. 47B.
