

United States Court of Appeals  
For the Eighth Circuit

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No. 13-3764

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James E. Butler

*Plaintiff - Appellant*

v.

Connie Hubbard, APN, Varner Unit, ADC; Jacqueline Carswell, APN, Varner  
Unit, ADC; Massey, Dr., Varner Unit, ADC; Anderson, Dr., Varner Unit, ADC;  
Estella Murray, Nurse Practitioner, Cummins Unit, ADC; Corizon

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Pine Bluff

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Submitted: July 24, 2014

Filed: July 25, 2014

[Unpublished]

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Before MURPHY, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Arkansas inmate James E. Butler appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action.

Upon de novo review, this court finds that Butler fell short of establishing a jury issue of deliberate indifference on the part of Corizon or advanced nurse practitioners Connie Hubbard and Estella Murray.<sup>2</sup> See *Mason v. Corr. Med. Servs., Inc.*, 559 F.3d 880, 884-85 (8th Cir. 2009) (standard of review); *Frevert v. Ford Motor Co.*, 614 F.3d 466, 473-74 (8th Cir. 2010) (nonmoving party must substantiate allegations with sufficient probative evidence that would allow finding in his favor); *Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 499 (8th Cir. 2008) (deliberate indifference, which is akin to criminal negligence, requires more than negligent misconduct); *Crumpley-Patterson v. Trinity Lutheran Hosp.*, 388 F.3d 588, 590-91 (8th Cir. 2004) (corporate liability under § 1983).

The judgment is affirmed.

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<sup>1</sup>The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.

<sup>2</sup>Butler waived his claims against the other medical professionals he named. See *Freitas v. Wells Fargo Home Mortg., Inc.*, 703 F.3d 436, 438 n.3 (8th Cir. 2013).