

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Timothy Barr v. Rebecca Pearson

Timothy Barr v. Rebecca Pearson, 909 F.3d 919 (8th Cir. 2018) · No. No. 17-3786 · Decided November 27, 2018

SUMMARY

Inmate Timothy Barr sued prison health care providers under 42 U.S.C. § 1983, alleging Eighth Amendment deliberate indifference for stopping his multiple sclerosis medication (Avonex) due to reported side effects. The Eighth Circuit affirmed summary judgment for defendants, holding that the decision to halt medication was within the providers' independent medical judgment and did not rise to criminal recklessness, especially where Barr did not allege resulting harm. The court reiterated that prisoners have no right to a particular course of treatment and that mere disagreement with medical judgment does not state a constitutional claim.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Melloy; Smith
JURISDICTION	Federal
DECIDED	November 27, 2018
DOCKET	No. 17-3786
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from district court's grant of summary judgment
STANDARD OF REVIEW	de novo
PRECEDENTIAL VALUE	Published
PARTIES	Timothy Barr v. Rebecca Pearson, et al.

TOPICS

- civil procedure
- summary judgment
- constitutional law
- civil rights

PRACTICE AREAS

- Civil Rights
- Prisoner's Rights
- Medical Malpractice

QUESTIONS PRESENTED

1. Whether the defendants' discontinuation of Barr's multiple sclerosis medication constituted deliberate indifference to a serious medical need in violation of the Eighth Amendment.

HOLDINGS

1. The defendants' decision to stop administering Avonex did not rise to the level of deliberate indifference because it was a matter of independent medical judgment, Barr did not allege any resulting harm, and the defendants continued to provide medical care.

FACTUAL BACKGROUND

Barr, an inmate, was diagnosed with multiple sclerosis and prescribed Avonex. He experienced negative side effects and stopped receiving injections after October 10, 2014. Barr claims he did not refuse the medication, but healthcare providers decided to discontinue it. The medical record shows complaints of side effects and continued care including other medications and referrals.

PROCEDURAL HISTORY

Barr filed suit under 42 U.S.C. § 1983 alleging Eighth Amendment violation. The district court granted summary judgment to defendants. Barr appealed.

DISPOSITION

affirmed

CASES CITED

- Schaub v. VonWald, 638 F.3d 905 (8th Cir. 2011)
- Rooney v. Rock-Tenn Converting Co., 878 F.3d 1111 (8th Cir. 2018)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Estelle v. Gamble, 429 U.S. 97 (1976)
- Gordon ex rel. Gordon v. Frank, 454 F.3d 858 (8th Cir. 2006)
- Dulany v. Carnahan, 132 F.3d 1234 (8th Cir. 1997)
- Meuir v. Greene Cty. Jail Emps., 487 F.3d 1115 (8th Cir. 2007)