

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-4280

Scotty Iverson Floyd,

Appellant,

v.

Marty C. Anderson, Warden; T. C.
Peterson, Warden; Dr. George Santini;
P.A. C. Reudy; P.A. Edmonds; P.A. Liz
Evans; Asst. H.S.A. Val Encarnanze;
P.A. Bea Glavinovich; H.S.A.
Chapman; C.R.N.P. Muth; H.S.A.
Furtenz; H.S.A. Z. Gutierrez;
Does 1-20,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: February 1, 2007
Filed: February 22, 2007

Before WOLLMAN, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Federal inmate Scotty Iverson Floyd appeals the district court's¹ adverse grant of summary judgment in his action brought under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Having carefully reviewed the record, we agree with the district court that Floyd failed to create any trialworthy issues on his Eighth Amendment claims. See Alberson v. Norris, 458 F.3d 762, 765 (8th Cir. 2006) (summary judgment standard of review; disagreement with treatment decisions does not rise to level of Eighth Amendment violation, and to show deliberate indifference, plaintiff must show more than even gross negligence); Moody v. St. Charles County, 23 F.3d 1410, 1412 (8th Cir. 1994) (party seeking to defeat summary judgment motion must substantiate allegations with sufficient probative evidence to permit finding in his favor based on more than speculation or conjecture). We reject Floyd's arguments about discovery, because he did not properly seek postponement of the summary judgment ruling under Federal Rule of Civil Procedure 56(f). See Stanback v. Best Diversified Prods., Inc., 180 F.3d 903, 911 (8th Cir. 1999) (discussing requirements under Rule 56(f)). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota.