

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2633

Thomas Pellegrino,

Appellant,

v.

John Fitzgerald, Lawrence County
States Attorney; Richard Mowell,
Lawrence County Sheriff; Dale Larson,
Lawrence County Jail Administrator;
Northern Hills General Hospital; Dick
Soukup, Administrator, Northern Hills
General Hospital; Dr. Cris Hugo,
Surgeon, Northern Hills General
Hospital; Steven Lindquist; Dr. Marden
Brown, employed at Black Hills
Medical Center and/or NGHG;
Lawrence County, South Dakota; Dr.
Donald Habbe, Pathologist,

Appellees.

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* Appeal from the United States
* District Court for the
* District of South Dakota.

* [UNPUBLISHED]

Submitted: June 16, 2000
Filed: June 19, 2000

Before RICHARD S. ARNOLD, BOWMAN, and BEAM, Circuit Judges.

PER CURIAM.

South Dakota inmate Thomas Pellegrino appeals from the District Court's¹ judgment dismissing his civil rights action. The District Court found that Pellegrino, who was convicted of second-degree murder in the shooting death of Gary McKee, lacked standing to pursue his claim that the defendants conspired to conceal the medical-malpractice death of the victim because Pellegrino suffered no injury traceable to the defendants' alleged conduct. We agree. See Novartis Seeds, Inc. v. Monsanto Co., 190 F.3d 868, 871 (8th Cir. 1999) (to have standing, plaintiff must allege judicially cognizable and redressable injury, fairly traceable to defendant's conduct); State v. Bennis, 457 N.W.2d 843, 845-46 (S.D. 1990) (affirming South Dakota murder conviction despite alleged medical mistreatment of victim; "medical malpractice will break the chain of causation and become the proximate cause of death only if it constitutes the sole cause of death"). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Richard H. Battey, United States District Judge for the District of South Dakota.