

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

No. 00-1066

Stanton Q. Shelton,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the Western
v.	*	District of Missouri.
	*	
Dr. Reddy,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: July 5, 2000

Filed: July 11, 2000

Before WOLLMAN, Chief Judge, FAGG and BOWMAN, Circuit Judges.

PER CURIAM.

Inmate Stanton Q. Shelton appeals the dismissal of his 42 U.S.C. § 1983 claim against Dr. Reddy, his treating physician at Fulton State Hospital (a mental institution), alleging Shelton was misdiagnosed as schizophrenic, was in immediate danger of being forcibly administered medications to treat the schizophrenia, and was unlawfully confined in the mental institution. Disagreement with a diagnosis is insufficient to state a claim under § 1983, see Keeper v. King, 130 F.3d 1309, 1314 (8th Cir. 1997), and release from confinement is only available through a habeas petition, see Preiser v. Rodriguez, 411 U.S. 475, 490 (1973). Because a state court hearing on the issue of

forcible administration of medication was scheduled at the time this appeal was filed, the medical treatment of people committed to state mental institutions is an important state interest, and the state hearing provides an adequate opportunity for Shelton to raise constitutional issues, the district court properly abstained from considering the issue. See Harmon v. City of Kansas City, Mo., 197 F.3d 321, 325 (8th Cir. 1999), cert. denied, 120 S. Ct. 1534 (2000). We thus affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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