

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2852

Scott Scanlon,

Appellant,

v.

Correctional Medical Services;
Roland Anderson, Regional
Medical Director, CMS; Max
Mobley, Deputy Director, Arkansas
Department of Correction; Dr. Robin
Hickerson, Former ADC Psychiatrist;
Dr. Solomon Mogbo, Former CMS
Doctor, ADC; Lorne Ryan, Consult
Doctor,

Appellees.

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* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.
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* [UNPUBLISHED]
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Submitted: March 23, 2005

Filed: March 24, 2005

Before MELLOY, McMILLIAN, and GRUENDER, Circuit Judges.

PER CURIAM.

In this interlocutory appeal, Arkansas prisoner Scott Scanlon contests the district court's¹ denial of his motion for a preliminary injunction. Scanlon claims that defendants are violating the Eighth Amendment through their deliberate indifference to his serious medical needs, and requests transfer to "an appropriate medical facility."

The district court did not abuse its discretion in determining that a preliminary injunction was not warranted in this case because Scanlon showed neither a threat of irreparable harm nor a probability of success on the merits. The record reflects that Scanlon is receiving ongoing medical care, and that he merely disagrees with defendant medical providers' diagnoses and treatment. See Bandag, Inc. v. Jack's Tire & Oil, Inc., 190 F.3d 924, 926 (8th Cir. 1999) (per curiam) (standard of review); Smith v. Marcantonio, 910 F.2d 500, 502 (8th Cir. 1990) (mere disagreement with course of treatment does not state constitutional claim for deliberate indifference); Dataphase Sys., Inc. v. C.L. Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981) (en banc) (factors to consider in deciding whether to grant preliminary injunction).

Accordingly, we affirm.

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas.