

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

---

No. 05-4115

---

Jose Rafael Tineo, Suing as Jose Tineo,	*	
	*	
Appellant,	*	
	*	
v.	*	Appeal from the United States
	*	District Court for the
Federal Bureau of Prisons; Mayo	*	District of Minnesota.
Hospital, Rochester, MN,	*	
	*	[UNPUBLISHED]
Appellees.	*	

---

Submitted: October 5, 2006  
Filed: October 11, 2006

---

Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

---

PER CURIAM.

Federal inmate Jose Tineo appeals the district court's<sup>1</sup> preservice dismissal of his complaint alleging medical malpractice and a violation of the Eighth Amendment. Having conducted de novo review of the dismissal, we agree with the district court's decision to dismiss the case, and we reject Tineo's arguments for reversal. See

---

<sup>1</sup>Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

Cooper v. Schiro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

---