

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

No. 05-4155

Byron Dawes,	*
	*
Appellant,	*
	*
v.	*
	*
Cole Jeter, Warden, in his individual	*
and official capacity as Ex-Warden	*
at the Federal Correctional	*
Complex-Low (FCCL-FC) at	*
Forrest City, Arkansas; Jose Jimenez,	*
in his individual capacity as Health	*
Services Administrator at FCCL-FC;	*
Edna Prince, in her official and	*
individual capacity as Chief Medical	*
Officer FCCL-FC; Y Toro, in her	*
individual capacity as Physician	*
Assistant at FCCL-FC; E. Kineish,	*
in his individual and official capacity	*
as Doctor at FCCL-FC; G. Toliver,	*
in his individual capacity as R. N. at	*
FCCL-FC; E. Taylor, in her individual	*
capacity as R. N. at FCCL-FC; Linda	*
Sanders, Warden,	*
	*
Appellees.	*

Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: December 7, 2006
Filed: December 21, 2006

Before SMITH, MAGILL, and BENTON, Circuit Judges.

PER CURIAM.

Federal inmate Byron Dawes appeals the district court's¹ adverse grant of summary judgment in his *Bivens*² action. We agree with the district court that there is nothing in the record to support Dawes's opinion that the medical care he has received is so inadequate as to amount to a constitutional violation. *See Jolly v. Knudsen*, 205 F.3d 1094, 1096 (8th Cir. 2000) (mere disagreement with course of medical treatment is insufficient to state Eighth Amendment claim); *Dulany v. Carnahan*, 132 F.3d 1234, 1240 (8th Cir. 1997) (where medical records indicate treatment was provided and physician affidavits indicate care was adequate, inmate cannot create fact question merely by stating he did not believe treatment was adequate).

Accordingly, we affirm, *see* 8th Cir. R. 47B, but we modify the district court's order to clarify that the dismissal does not count as a strike under 28 U.S.C. § 1915(g).

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas.

²*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).