



In this 42 U.S.C. § 1983 action, Missouri inmate Anthony White appeals the district court's<sup>1</sup> adverse grant of summary judgment and interlocutory orders. Having carefully reviewed the record and considered White's arguments, we conclude that the district court properly granted summary judgment on his claims asserting that defendants were deliberately indifferent to his serious medical needs in treating his toenail fungus. See Johnson v. Hamilton, 452 F.3d 967, 971-72 (8th Cir. 2006) (de novo standard of review).

We further decline to decide whether the district court improperly dismissed defendant Vanessa Boydston as untimely served, see Moore v. Jackson, 123 F.3d 1082, 1085-86 (8th Cir. 1997), because we conclude that a remand for further proceedings against her would be futile, as White cannot show that Boydston was deliberately indifferent to his medical needs, cf. Thornburgh v. Am. Coll. of Obstetricians & Gynecologists, 476 U.S. 747, 756 n. 7 (1986) (remand not required in cases of futility), overruled on other grounds by Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992); LeMay v. U.S. Postal Serv., 450 F.3d 797, 799 (8th Cir. 2006) (court may affirm district court's dismissal on any basis supported by record).

We also conclude that the district court did not abuse its discretion in denying White's motion for appointment of counsel, see Abdullah v. Gunter, 949 F.2d 1032, 1035 (8th Cir. 1991) (abuse-of-discretion review standard and factors), or grossly abuse its discretion in denying White's motions to compel, see Heart of Am. Grain Inspection Serv., Inc. v. Missouri Dep't of Ag., 123 F.3d 1098, 1107 (8th Cir. 1997) (gross-abuse-of-discretion review standard).

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.