

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

No. 10-1745

Debra Lee Henderson,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Northern District of Iowa.
Black Hawk County Jail; Black Hawk	*	
County Medical Department;	*	[UNPUBLISHED]
Naph-Care; Nurse Darcy; Nurse Jamie,	*	
	*	
Appellees.	*	

Submitted: September 7, 2010
Filed: September 10, 2010

Before WOLLMAN, MELLOY, and GRUENDER, Circuit Judges.

PER CURIAM.

Debra Lee Henderson appeals the district court's¹ 28 U.S.C. § 1915A dismissal of her 42 U.S.C. § 1983 action. In addition, she has moved for a waiver of the appellate filing fees and costs.

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.

Henderson alleged that she was treated “very poorly” by jail staff and county medical personnel after she had staples removed following a hysterectomy, and that, as a result of this poor treatment, she developed a staph infection that required emergency surgery. Upon careful de novo review, we conclude that Henderson’s allegations were insufficient to state a constitutional claim. See Dulany v. Carnahan, 132 F.3d 1234, 1239 (8th Cir. 1997) (“Mere negligence or medical malpractice . . . are insufficient to rise to a constitutional violation.”); see also Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (§ 1915A dismissal reviewed de novo).

We further note that Henderson, who has been granted in forma pauperis status on appeal, remains responsible for the payment of the appellate filing fees and costs. See Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997) (per curiam) (filing of notice of appeal or motion to appeal in forma pauperis triggers responsibility to pay full appellate filing fee).

Accordingly, Henderson’s pending motion is denied, and the judgment is affirmed. See 8th Cir. R. 47B.
