

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2581

| | | |
|--------------------------------------|---|--------------------------------|
| Derek Maurice Parks, Sr., | * | |
| | * | |
| Appellant, | * | |
| | * | Appeal from the United States |
| v. | * | District Court for the Eastern |
| | * | District of Arkansas. |
| Joseph Hughes, Dr., East Arkansas | * | |
| Regional Unit, ADC (originally sued | * | [UNPUBLISHED] |
| as Joe Hughes); Nicole Granger, Ms., | * | |
| East Arkansas Regional Unit, ADC | * | |
| (originally sued as Grang), | * | |
| | * | |
| Appellees, | * | |
| | * | |
| Joe Spears, Mr., Medical Staff, | * | |
| East Arkansas Regional Unit, ADC | * | |
| (originally sued as Spears); Gray, | * | |
| Mrs/Ms. Medical Staff, East Arkansas | * | |
| Regional Unit, ADC, | * | |
| | * | |
| Defendants, | * | |
| | * | |
| Dottie Yarbrough, East Arkansas | * | |
| Regional Unit, ADC (originally sued | * | |
| as Yardborol), | * | |
| | * | |
| Appellee. | * | |

Submitted: October 29, 2010
Filed: November 3, 2010

Before LOKEN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Arkansas inmate Derek Parks, Sr., appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action. Parks alleged that in June 2009, while at the East Arkansas Regional Unit, he had experienced a two-week delay in receiving his "OPM" medications, and that this had caused him "anxiety phobia." We affirm the dismissal, because Parks failed to state a claim for relief. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007) (plaintiff must plead enough facts to state claim for relief that is plausible on its face, not just conceivable); Phipps v. FDIC, 417 F.3d 1006, 1010 (8th Cir. 2005) (court may affirm dismissal on any basis supported by record); Sherrer v. Stephens, 50 F.3d 496, 497 (8th Cir. 1994) (per curiam) (there is no liability for delay in medical treatment unless defendant ignored acute or escalating situation, or unless delay adversely affected prognosis); Ervin v. Busby, 992 F.2d 147, 150-51 (8th Cir. 1993) (per curiam) (affirming dismissal of § 1983 claim where officials' misplacement of and month-long delay in refilling pretrial detainee's antidepressant was at most negligence). Accordingly, we affirm. See 8th Cir. R. 47A(a).

¹The Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).