

United States Court of Appeals
For the Eighth Circuit

No. 14-1397

Vernon L. Johnson

Plaintiff - Appellant

v.

SSM Healthcare System

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: November 14, 2014

Filed: November 20, 2014

[Unpublished]

Before WOLLMAN, BYE, and MELLOY, Circuit Judges.

PER CURIAM.

Dr. Vernon L. Johnson appeals the district court's¹ adverse grant of summary judgment in his state-tort suit for damages arising from revocation of his hospital

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

privileges; his suit was removed to federal court under the Health Care Quality Improvement Act (HCQIA). Upon de novo review, we find no basis for overturning the district court's determination that SSM was entitled to HCQIA immunity, because Dr. Johnson did not satisfy his burden of producing evidence that would allow a reasonable jury to find that the peer review process failed to meet HCQIA's standards. See Lee v. Trinity Lutheran Hosp., 408 F.3d 1064, 1070-71 (8th Cir. 2005).² The judgment of the district court is affirmed, see 8th Cir. R. 47B, and Dr. Johnson's pending motion is granted.

²We decline to address the matters Dr. Johnson raises for the first time in his opening brief, see Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004), or in his reply brief, see Jenkins v. Winter, 540 F.3d 742, 751 (8th Cir. 2008).