

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

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No. 98-2007

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Robert L. Thomas,

Appellant,

v.

Matthew Olivanti; Thomas Smith;  
David Stromberg; Bill Helbl;  
City of Virginia,

Appellees.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: October 21, 1998

Filed: November 4, 1998

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Before BOWMAN, Chief Judge, BRIGHT, and RICHARD S. ARNOLD, Circuit  
Judges.

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PER CURIAM.

Robert L. Thomas appeals the order of the District Court<sup>1</sup> granting summary judgment adverse to Thomas in his § 1983 action against certain individual police officers and the City of Virginia, Minnesota. Thomas argues the court erred in failing to find any genuine issue of fact as to whether the defendants displayed deliberate

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

indifference to a serious medical condition (his hip, fractured during a scuffle at the time of his arrest).

Having heard Thomas's appeal, we conclude the order of the District Court should be affirmed. When we credit all of Thomas's evidence and give him the benefit of all the reasonable inferences a jury could draw from that evidence, we find he has failed to create a submissible case against any of the defendants.

AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.