

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

MAR 8 2002

PATRICK FISHER
Clerk

STEVEN D. BEEM,

Plaintiff-Appellant,

v.

GLENN LEE, Lieutenant, Hutchinson
Correctional Facility East; WILLIAM
DAVIS, Dorm II, Master Sergeant,
Hutchinson Correctional Facility,

Defendants-Appellees.

No. 01-3048

(D.C. No. 01-CV-3012-GTV)

(D. Kansas)

ORDER AND JUDGMENT*

Before **KELLY, McKAY, and MURPHY**, Circuit Judges.

After examining the briefs and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Appellant Steven D. Beem appeals the United States District Court for the District of Kansas' dismissal of his § 1983 complaint. Appellant alleges that

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Defendants violated his Eighth Amendment rights by refusing to re-inflate the tire of his wheelchair. Appellant alleges that as a result of this refusal he was without the services of his wheelchair for seven hours and was unable to eat lunch.

We agree with the district court that Appellant's alleged deprivation "was not serious and significant 'enough to satisfy the objective component to an Eighth Amendment claim.'" Rec., Exh. 10, p. 2 (citing Wilson v. Seiter, 501 U.S. 294 (1991)). We affirm the district court's order for the same reasons stated therein.

AFFIRMED.

Entered for the Court

Monroe G. McKay
Circuit Judge