

UNITED STATES COURT OF APPEALS  
TENTH CIRCUIT

**JUN 9 1997**

**PATRICK FISHER**  
Clerk

ROBERT EARNEST WILSON,

Plaintiff-Appellant,

v.

JACK COWLEY, ROBERT BERNARD,  
DR. SKYAMKANT S. KALKARNI,  
M.D., and GEORGE ROACH,

Defendants-Appellees.

No. 96-6274

(D.C. No. CIV-96-288-T)  
(W.D. Okla.)

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ORDER AND JUDGMENT\*

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Before TACHA, BALDOCK, and LUCERO, Circuit Judges.\*\*

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Robert Earnest Wilson, an inmate at the Oklahoma State Reformatory, filed this § 1983 action pro se against prison officials alleging that the officials failed to provide him adequate medical treatment following an injury to his ankle in violation of the Eighth Amendment. Defendants submitted a Martinez report, see Martinez v. Aaron, 570 F.2d

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

\*\* After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. 34.1.9. The case is therefore ordered submitted without oral argument.

317 (10th Cir. 1978) (en banc), and moved for summary judgment under Fed. R. Civ. P. 56. A magistrate judge thoroughly reviewed the facts and recommended the Defendants' motion be granted. The district court adopted the recommendation over Plaintiff's objection. Plaintiff appeals. Our jurisdiction arises under 28 U.S.C. § 1291. We review de novo, Hayes v. Marriott, 70 F.3d 1144, 1146 (10th Cir. 1995), and affirm.

We have reviewed the parties' briefs, pleadings, affidavits, and the entire record before us. We agree with the district court substantially for the reasons set forth in its order adopting the magistrate's recommendation and granting Defendants' motion for summary judgment. Vol. I, docs. 10, 14.

AFFIRMED.

Entered for the Court,

Bobby R. Baldock  
Circuit Judge