

FEB 25 1998

PATRICK FISHER
Clerk

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

MICHAEL ANTHONY POLK,

Plaintiff-Appellant,

v.

CORRECTIONS CORPORATION OF
AMERICA; WILLIAM GRAF, Warden at
Correction Corporation of America;
JAMES IRWIN, Assistant Warden,
Correction Corporation of America;
JAMES PERRY, Chief of Security,
Correction Corporation of America;
(NFN) BOLIN, Doctor; and CARROL
ST. CLAIR, R.N.,

Defendants-Appellees.

No. 97-3092
(D.C. No. 96-CV-3128)
(District of Kansas)

ORDER AND JUDGMENT*

Before **PORFILIO, KELLY**, and **HENRY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined
unanimously that oral argument would not materially assist the determination of this

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Michael Anthony Polk, a federal prisoner, appeals from the dismissal of his pro se civil rights complaint seeking damages for “medical malpractice.” Without reference to the Eighth Amendment or any other constitutional provision, he alleged while he was in the Detention Facility at Leavenworth, Kansas, operated by the Corrections Corporation of America (Corporation), a dentist removed four wisdom teeth. Mr. Polk summarily claimed this procedure resulted in subsequent injuries, and he sued not only the Corporation but also the Warden and Assistant Warden at USP Leavenworth, the dentist, and a nurse. Finding Mr. Polk failed to set forth a Constitutional basis for his claim or a contention the actions of the defendants were intentional, the district court summarily dismissed the action. We **AFFIRM** the decision for the reasons given by the district court.

ENTERED FOR THE COURT

John C. Porfilio
Circuit Judge