

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-1410

Thomas John Lewis,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States
* District Court for the
* District of South Dakota.
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* [UNPUBLISHED]
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Submitted: December 7, 2004
Filed: December 15, 2004

Before BYE, MELLOY, and COLLOTON, Circuit Judges.

PER CURIAM.

Thomas Lewis appeals the district court's¹ adverse grant of summary judgment in his medical malpractice action brought under the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.* After careful de novo review of the record, *see Bellecourt v. United States*, 994 F.2d 427, 430 (8th Cir. 1993), we conclude that summary judgment was not granted prematurely, and that the issue of costs is premature as no costs have been awarded. We affirm the merits for the reasons stated by the district court. *See* 8th Cir. R. 47B.

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.