

United States Court of Appeals
For the Eighth Circuit

No. 18-2305

Benjamin E. Schreiber

Plaintiff - Appellant

v.

Nick Ludwick; Stephen Sparks

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: February 15, 2019

Filed: March 1, 2019

[Unpublished]

Before LOKEN, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Iowa inmate Benjamin Schreiber brought this 42 U.S.C. § 1983 action alleging that Iowa State Penitentiary officials and University of Iowa Hospital and Clinics providers violated his rights by inadequately treating a urinary condition and failing

to comply with his healthcare directives. The district court¹ dismissed the hospital defendants in a preservice order and granted summary judgment dismissing the prison officials for failure to exhaust administrative remedies. Schreiber appeals. After careful de novo review of the record, we affirm.

We agree with the district court that Schreiber's claims against the prison officials must be dismissed for failure to exhaust applicable prison remedies. See 42 U.S.C. § 1997e(a); Hammett v. Cofield, 681 F.3d 945 (8th Cir. 2012). Schreiber argues that the ineffective assistance of his appointed counsel prevented him from submitting all his attempts to grieve his claims. However, there is no statutory or constitutional right to effective assistance of appointed counsel in a civil case. See, e.g., Taylor v. Dickel, 293 F.3d 427, 431 (8th Cir. 2002).

Schreiber argues the district court erred in dismissing his claims against the hospital defendants because he was entitled to discovery to determine whether they violated his "do not resuscitate" rights under Iowa Code Ann. §§ 144A.2(13), 144A.3(1), and 144B.9(2). However, Schreiber's §1983 complaint did not allege any state law claims under the district court's supplemental jurisdiction. We do not consider claims raised for the first time on appeal. See Joseph v. Allen, 712 F.3d 1222, 1226 (8th Cir. 2013). As Schreiber does not meaningfully argue any preserved federal claim against the hospital defendants, we affirm their dismissal. See Ahlberg v. Chrysler Corp., 481 F.3d 630, 638 (8th Cir. 2007) (points not argued on appeal are waived); Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (de novo review of 28 U.S.C. § 1915(e)(2)(B) preservice dismissal).

The judgment of the district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.