

United States Court of Appeals  
For the Eighth Circuit

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No. 25-2845

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Khanis-Orion Morningstar

*Plaintiff - Appellant*

v.

James H. Smith, Jr., Doctor, Wellpath; Charlotte Gardner, Regional Ombudsman, Wellpath

*Defendants - Appellees*

Aundrea Culclager, Deputy Director of Health and Correctional Programs, Central  
Office; Brandy Johnson, Medical Grievance Officer, Health and Correctional  
Programs, Central Office

*Defendants*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Central

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Submitted: July 1, 2026

Filed: July 7, 2026

[Unpublished]

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Before LOKEN, KELLY, and KOBES, Circuit Judges.

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PER CURIAM.

Arkansas inmate Khanis-Orion Morningstar appeals the district court's<sup>1</sup> adverse grant of summary judgment in his *pro se* 42 U.S.C. § 1983 action. Upon *de novo* review, we affirm. See Hancock v. Arnott, 39 F.4th 482, 486 (8th Cir. 2022) (standard of review). We agree with the district court that Morningstar did not establish that defendants were deliberately indifferent to his serious medical need, as the unrebutted affidavit from defendants' expert established that the treatment of conservative observation was appropriate, even if Morningstar disagreed with it. See id.; Dulany v. Carnahan, 132 F.3d 1234, 1240-41 (8th Cir. 1997). We also agree that, absent underlying constitutional violations, the failure-to-supervise claim against defendant Gardner failed, see Engesser v. Fox, 993 F.3d 626, 631-32 (8th Cir. 2021); and the official-capacity claims against Wellpath failed, cf. Whitney v. City of St. Louis, 887 F.3d 857, 861 (8th Cir. 2018).

The judgment is affirmed. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Kristine G. Baker, Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Benecia Moore, United States Magistrate Judge for the Eastern District of Arkansas.