

United States Court of Appeals
For the Eighth Circuit

No. 12-3375

Devin Alex Phillip Pendleton

Plaintiff - Appellant

v.

Jean Finley, APN

Defendant - Appellee

Appeal from United States District Court
for the Western District of Arkansas - Ft. Smith

Submitted: June 7, 2013

Filed: June 14, 2013

[Unpublished]

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Inmate Devin Alex Phillip Pendleton appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action following a bench trial.² Pendleton offers no valid basis for reversal, and we find none. See Fowler v. LAC Minerals (USA), LLC, 694 F.3d 930, 933 (8th Cir. 2012) (reviewing for clear error fact finding and reviewing de novo legal conclusions and mixed questions of law and fact); Richardson v. Sugg, 448 F.3d 1046, 1052 (8th Cir. 2006) (due regard must be afforded to trial court's judgment of witness credibility). The judgment of the district court is affirmed.

¹The Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

²Appellee correctly notes that Pendleton did not order a trial transcript, but a recording of the bench trial was available for review.