

United States Court of Appeals
For the Eighth Circuit

No. 15-3285

Jamie Shawn McCall

Plaintiff - Appellant

v.

Shock, Sheriff, Faulkner County, et al.

Defendants - Appellees

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

Submitted: May 6, 2016

Filed: July 28, 2016

[Unpublished]

Before LOKEN, BYE, and KELLY, Circuit Judges.

PER CURIAM.

Arkansas inmate Jamie McCall appeals the district court's¹ grant of summary judgment dismissing his 42 U.S.C. § 1983 official and individual capacity claims

¹The Honorable D.P. Marshall, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome Kearney, United States Magistrate Judge for the Eastern District of Arkansas.

against Faulkner County officials that he was exposed to various unconstitutional conditions of confinement at the Faulkner County Detention Center. Upon careful de novo review, we conclude, for the reasons explained by the district court, that the court did not err in granting summary judgment. See LaCross v. City of Duluth, 713 F.3d 1155, 1157 (8th Cir. 2013) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

Regarding McCall's official capacity housing conditions claim, we have considered only the January and May 2014 occasions when McCall claims he was housed in a booking cell at the FCDC under unconstitutionally unsanitary conditions, because those were the only occasions alleged in his complaint. McCall alleged he was subject to the unsanitary conditions on other occasions in his preliminary injunction, summary judgment, and appellate pleadings, but he did not file a motion to amend his complaint. Should McCall file a motion in the district court for leave to file an amended complaint asserting an official capacity housing conditions claim that includes those additional occasions, see Fed. R. Civ. P. 15(a)(2) and 60(b), we take no position on whether the district court should grant such a motion, or whether McCall would be entitled to relief if the additional incidents are considered.
