

United States Court of Appeals  
For the Eighth Circuit

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No. 16-3801

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Lacey Kurt Paige

*Plaintiff - Appellant*

v.

Unknown Taber, Correctional Officer, et al.

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Missouri - Cape Girardeau

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Submitted: October 26, 2017

Filed: October 27, 2017

[Unpublished]

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Before LOKEN, MURPHY, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Missouri inmate Lacey Paige appeals the district court's<sup>1</sup> adverse judgment entered upon a jury verdict in his pro se 42 U.S.C. § 1983 action. He argues that the

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<sup>1</sup>The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

district court improperly overruled his objections to a defense witness's testimony, held the jury instruction conference before the defense presented its evidence, and prevented him from calling a witness.

After careful review of the trial record, we conclude: (i) the district court did not abuse its discretion in overruling Paige's objections to testimony by the defense witness that was not contrary to the witness's pretrial affidavit and was based on the witness's general knowledge and knowledge acquired through his review of records prepared in ordinary course of business, see Allied Sys., Ltd. v. Teamsters Auto. Transp. Chauffeurs, 304 F.3d 785, 792 (8th Cir. 2002); (ii) the court did not commit plain error with regard to the timing of the instruction conference, see Lighting & Power Servs. v. Roberts, 354 F.3d 817, 820 (8th Cir. 2004) (standard of review) and Fed. R. Civ. P. 51; and (iii) the court did not prevent Paige from calling a witness, but rather reasonably exercised its discretion in enforcing an agreement regarding the order in which witnesses subject to time constraints would be called, see Grayson v. Ross, 454 F.3d 802, 812 (8th Cir. 2006) (standard of review).

Accordingly, we affirm.

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