

United States Court of Appeals
For the Eighth Circuit

No. 18-3514

Damien Ford

Plaintiff - Appellant

v.

Corrie Ferrell, Sergeant, Delta Regional Unit, ADC (originally named as C Ferrell); Lowe, Major, Sergeant, Delta Regional Unit, ADC; James Banks, Warden, Sergeant, Delta Regional Unit, ADC; Gibson, Assistant Warden, Delta Regional Unit; Raymond Naylor, Disciplinary Appeal Administrator, ADC; Marvin Evans, Jr., Grievance Appeal Administrator; Marshall Reed, Assistant Executive Director, ADC; Jane Does, Disciplinary Hearing Officer, ADC; Wendy Kelley, (Originally named as Ray Hobbs); Nall, Officer; Larry Norris, Deputy Director

Defendants - Appellees

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

Submitted: August 16, 2019

Filed: August 19, 2019

[Unpublished]

Before LOKEN, GRUENDER, and KOBES, Circuit Judges.

PER CURIAM.

Damien Ford appeals the district court's¹ adverse grant of summary judgment on his retaliatory-discipline claim. After careful review of the record and the parties' arguments on appeal, we conclude that the district court properly granted summary judgment. *See Hartsfield v. Nichols*, 511 F.3d 826, 829 (8th Cir. 2008) (reviewing grant of summary judgment de novo; stating that "a defendant may successfully defend a retaliatory discipline claim by showing 'some evidence' the inmate actually committed a rule violation" (quoting *Goff v. Burton*, 7 F.3d 734, 738-39 (8th Cir. 1993))); *Goff*, 7 F.3d at 736-38 (stating that, to succeed on a retaliatory-discipline claim, an inmate must prove that, but for an unconstitutional retaliatory motive, the discipline would not have occurred); *see also Morstad v. Dep't of Corr. & Rehab.*, 147 F.3d 741, 743-44 (8th Cir. 1998) (recognizing that the Eleventh Amendment bars 42 U.S.C. § 1983 action against a state and its officials acting in their official capacities). Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Billy Roy Wilson, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Beth Deere, United States Magistrate Judge for the Eastern District of Arkansas.