

United States Court of Appeals
For the Eighth Circuit

No. 19-1273

James L. Toney

Plaintiff - Appellant

v.

Corporal Heath Dickson, Malvern Police Department; Sergeant Keith Prince,
Malvern Police Department; Assistant Chief Jim Bailey, Malvern Police Department

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: November 25, 2019
Filed: December 2, 2019
[Unpublished]

Before GRUENDER, WOLLMAN, and KOBES, Circuit Judges.

PER CURIAM.

Arkansas prisoner James Toney appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. After careful review of the record and the parties' arguments on appeal, we conclude that summary judgment was proper. *See Tusing v. Des Moines Indep. Cmty. Sch. Dist.*, 639 F.3d 507, 514 (8th Cir. 2011) (reviewing summary judgment decision de novo, viewing the record in the light most favorable to the non-moving party; stating that summary judgment is appropriate if no genuine issue of material fact exists such that the movant is entitled to judgment as a matter of law). Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable P.K. Holmes, III, United States District Judge for the Western District of Arkansas.