

United States Court of Appeals  
For the Eighth Circuit

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No. 20-1323

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Deverick Scott

*Plaintiff - Appellant*

v.

Pamela Cook, Sergeant, Varner Supermax

*Defendant - Appellee*

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

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Submitted: August 12, 2020

Filed: August 17, 2020

[Unpublished]

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Before COLLOTON, WOLLMAN, and BENTON, Circuit Judges.

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PER CURIAM.

In this 42 U.S.C. § 1983 action, Arkansas inmate Deverick Scott appeals the district court's<sup>1</sup> adverse grant of summary judgment. Viewing the record in a light

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<sup>1</sup>The Honorable D. P. Marshall Jr., Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendations of the

most favorable to Scott, see Mbonyunkiza v. Beasley, 956 F.3d 1048, 1050 (8th Cir. 2020) (de novo review), we agree with the district court that because some evidence supported the disciplinary report Scott was issued, his First Amendment retaliation claim arising from that report failed, see Santiago v. Blair, 707 F.3d 984, 993 (8th Cir. 2013) (defendant may successfully defend against retaliatory discipline claim with some evidence that inmate actually violated prison rule). The judgment is affirmed. See 8th Cir. R. 47B.

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Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.