

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 22-1852

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Nicholas Stewart Hines

*Plaintiff - Appellant*

v.

Denny Kaemingk, Secretary of Corrections, Official Capacity, Individual Capacity; Darin Young, Warden, South Dakota State Penitentiary, Official Capacity, Individual Capacity; Cody Hanson, Unit/Case Manager, SDSP, Official Capacity, Individual Capacity; Melissa Maturan, Administrative Remedy Coordinator, SDSP, Official Capacity, Individual Capacity; Todd Brandt, Yankton Police Detective, in both Official and Individual Capacity; Jane or John Doe, in both Individual and Official capacities; Yankton County, in both Individual and Official capacities; Jody Johnson, Yankton County Clerk of Courts, in both Official and Individual capacities; Brandon LaBrie, Unit/Case Manager and Unit/Coordinator, SDSP, in both Official and Individual Capacities

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of South Dakota - Southern

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Submitted: August 31, 2022

Filed: September 6, 2022

[Unpublished]

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Before COLLOTON, GRUENDER, and BENTON, Circuit Judges.

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PER CURIAM.

In this 42 U.S.C. § 1983 action, Nicholas Stewart Hines appeals the district court's<sup>1</sup> preservice dismissal of some of his claims, and the adverse grant of summary judgment as to his remaining claims. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court has reviewed the record de novo as well as the parties' arguments on appeal and concludes that preservice dismissal and summary judgment were proper. *See Jackson v. Reibold*, 815 F.3d 1114, 1119 (8th Cir. 2016) (standard of review for adverse grant of summary judgment; facts are reviewed in light most favorable to nonmovant, and this court will affirm if record shows there is no genuine issue as to any material fact and moving party is entitled to judgment as matter of law); *Moore v. Sims*, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (28 U.S.C. § 1915(e) dismissal for failure to state a claim is reviewed de novo); *Cooper v. Schriro*, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (28 U.S.C. § 1915A pre-service dismissal reviewed de novo). The court has also considered Hines's challenges to numerous other orders, and finds no basis for reversal.

The judgment is affirmed. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.