

United States Court of Appeals
For the Eighth Circuit

No. 22-3095

Sean Edward Krier

Plaintiff - Appellant

v.

Derek Gosnell, Captain; Weston Weathington, Captain; Bruce Billings; Shane
Jobe; Manny Sandoval; Steve Dill

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: February 7, 2024
Filed: February 12, 2024
[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Iowa inmate Sean Krier appeals the district court's¹ adverse grant of summary judgment in his pro se 42 U.S.C. § 1983 action raising Eighth Amendment excessive force claims based on two incidents. Upon careful de novo review, we affirm. See Gareis v. 3M Co., 9 F.4th 812, 818 (8th Cir. 2021) (standard of review).

We agree with the district court that, based on the video evidence Krier submitted, no reasonable jury could find that the defendant correctional officers used force maliciously and sadistically to cause harm in either incident. See Wilkins v. Gaddy, 559 U.S. 34, 37 (2010) (per curiam) (core judicial inquiry in Eighth Amendment excessive-force claim is whether force was used in good-faith effort to restore or maintain discipline, or maliciously or sadistically to cause harm); Scott v. Harris, 550 U.S. 372, 380-81 (2007) (where non-movant's version of events was blatantly contradicted by video evidence such that no reasonable jury could believe it, court should not adopt that version of facts in ruling on summary judgment motion, but should view facts in light depicted by video).

As to Krier's other arguments, we lack jurisdiction to review the magistrate judge's order denying Krier's motion for discovery and a continuance, as Krier did not appeal the order to the district court. See McDonald v. City of Saint Paul, 679 F.3d 698, 709 (8th Cir. 2012) (declining to review appellant's challenge to magistrate's order denying non-dispositive motion, because he did not object to such order before district court). We decline to consider the arguments regarding law library access Krier newly raises in his reply brief. See Ahlberg v. Chrysler Corp., 481 F.3d 630, 634 (8th Cir. 2007) (points not meaningfully argued in opening brief are waived).

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

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.