United States Court of AppealsFOR THE EIGHTH CIRCUIT

No. 07-3922		
Richard Alan Davis,	*	
Appellant,	*	
	*	Appeal from the United States
V.	*	District Court for the Eastern District of Arkansas.
Greg Harmon, Warden, East	*	Lastern District of Arkansas.
Arkansas Regional Unit, ADC;	*	[UNPUBLISHED]
Larry Norris, Director, Arkansas	*	
Department of Corrections; Wendy Kelley, Deputy Director, Arkansas	*	
Department of Corrections; Paulette	*	
Green, Classification Officer, East	*	
Arkansas Regional Unit, ADC;	*	
Essie Clay, Disciplinary Hearing Officer, East Arkansas Regional	*	
Unit, ADC; James Gibson, Disciplinary	*	
Hearing Administrator, Arkansas	*	
Department of Corrections; Moorehead,	*	
Mr., Medical Administrator, East	*	
Arkansas Regional Unit, ADC; Moses Jackson, III, Maximum Security Shift	*	
Commander, East Arkansas Regional	*	
Unit, ADC; Larry May, Deputy	*	
Director, Arkansas Department of Corrections,	*	
Corrections,	*	
Appellees.	*	

Submitted: March 30, 2009 Filed: April 6, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Arkansas inmate Richard Alan Davis appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action following an evidentiary hearing. Because Davis requested a jury trial and he alone testified at the hearing, the district court properly applied the standards announced in Johnson v. Bi-State Justice Ctr., 12 F.3d 133 (8th Cir. 1993); and upon de novo review, see Johnson v. Cowell Steel Structures, Inc., 991 F.2d 474, 478 (8th Cir. 1993), we find no error in the court's conclusion that the case was not submissible to a jury. Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).