

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

\_\_\_\_\_  
No. 07-3922  
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Richard Alan Davis,

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Appellant,

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v.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.

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Greg Harmon, Warden, East  
Arkansas Regional Unit, ADC;

\*

[UNPUBLISHED]

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Larry Norris, Director, Arkansas  
Department of Corrections; Wendy

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Kelley, Deputy Director, Arkansas

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Department of Corrections; Paulette

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Green, Classification Officer, East

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Arkansas Regional Unit, ADC;

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Essie Clay, Disciplinary Hearing

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Officer, East Arkansas Regional

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Unit, ADC; James Gibson, Disciplinary

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Hearing Administrator, Arkansas

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Department of Corrections; Moorehead,

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Mr., Medical Administrator, East

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Arkansas Regional Unit, ADC; Moses

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Jackson, III, Maximum Security Shift

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Commander, East Arkansas Regional

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Unit, ADC; Larry May, Deputy

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Director, Arkansas Department of

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Corrections,

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Appellees.

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

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Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Arkansas inmate Richard Alan Davis appeals the district court's<sup>1</sup> 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.

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<sup>1</sup>The 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).