

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3250

David Lee Daniels, *
*
Appellant, *
* Appeal from the United States
v. * District Court for the
* Western District of Arkansas.
*
Sheriff Keith Ferguson, in both his *
individual and official capacities; Sue * [UNPUBLISHED]
McDonald, in both her individual and *
official capacities; Dr. Neil Mullins, in *
both his individual and official *
capacities; Cpl. Powell, in both his *
individual and official capacities; Cpl. *
Reams, in both his individual and *
official capacities; Officer Hernandez, *
in both his individual and official *
capacities; Officer Adams, in both his *
individual and official capacities, *
*
Appellees. *

Submitted: December 1, 2009
Filed: December 9, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmate David Daniels appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action following an evidentiary hearing. Having carefully reviewed the record and considered Daniels's arguments, *see Johnson v. Bi-State Justice Ctr.*, 12 F.3d 133, 135-37 (8th Cir. 1993) (standard of review; after evidentiary hearing, dismissal is proper if evidence does not present sufficient disagreement to require submission to jury but is so one-sided that one party must prevail as matter of law), we find no basis for reversal, *see Bell v. Wolfish*, 441 U.S. 520, 535-40 (8th Cir. 1979) (standard applicable to conditions-of-confinement claims by pretrial detainees).

Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas.