

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

No. 09-1996

Demetrius Ramon Akkard,

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Appellant,

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v.

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

Jason Jones; Dollie Ann-Marie
Simmons; Donny Brian Dahl; Sgt.
Jason McDonald,

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[UNPUBLISHED]

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Appellees.

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Submitted: January 14, 2010
Filed: January 20, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Demetrius Akkard appeals from the district court's¹ adverse judgment in his 42 U.S.C. § 1983 action asserting failure-to-protect claims against employees of the Miller County Correctional Facility in their individual and official capacities. Upon careful review, we find no basis for reversal. See Norman v. Schuetzle, 585 F.3d

¹The Honorable Barry A. Bryant, United States Magistrate Judge for the Western 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).

1097, 1101 (8th Cir. 2009) (no showing of failure to protect where prison official was not aware inmate was at risk to be assaulted by other inmate); Brockinton v. City of Sherwood, 503 F.3d 667, 674 (8th Cir. 2007) (suit against governmental actor in official capacity is treated as suit against governmental entity itself; because governmental entity cannot be held vicariously liable under § 1983 for its agents' acts, plaintiff must identify governmental policy or custom that caused plaintiff's injury to recover from governmental entity under § 1983). Accordingly, we affirm. See 8th Cir. R. 47B.
