

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

---

No. 09-3799

---

DeAngelo Lamont Thomas, \*  
\*  
Appellant, \*  
\* Appeal from the United States  
v. \* District Court for the Eastern  
\* District of Missouri.  
Alford Northern; Gary Rusher; Ray \*  
Hopper; Stephan Clark; Danny \* [UNPUBLISHED]  
Kirkman; Jonathan Rice; Robert \*  
Hooper; Missouri Department of \*  
Corrections, \*  
\*  
Appellees. \*

---

Submitted: June 22, 2010  
Filed: June 30, 2010

---

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

---

PER CURIAM.

In this pro se appeal, Missouri inmate DeAngelo Lamont Thomas challenges the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 suit alleging that the use of pepper spray on him amounted to excessive force. Having carefully reviewed the record de novo, see Nelson v. Shuffman, 603 F.3d 439, 445

---

<sup>1</sup>The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

(8th Cir. 2010) (standard of review), we agree with the district court that the one-time use of pepper spray in these circumstances--Thomas was refusing orders to stop behavior that was deemed to present a security risk--did not violate the Eighth Amendment. Accordingly, we affirm the district court's judgment, see 8th Cir. R. 47B; and we deny Thomas's petition for a writ of prohibition.

---