

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

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No. 10-3045

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Domach Reath,

Appellant,

v.

Douglas Weber, Warden, et al.,

Appellees.

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Appeal from the United States  
District Court for the  
District of South Dakota.

[UNPUBLISHED]

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Submitted: February 17, 2011

Filed: February 24, 2011

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Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

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PER CURIAM.

South Dakota inmate Domach Reath appeals the district court's<sup>1</sup> grant of summary judgment dismissing his 42 U.S.C. § 1983 Eighth Amendment claim that he contracted tuberculosis after prison officials housed him with an infected inmate. After careful de novo review, we agree with the district court that Reath failed to make a sufficient showing that defendants were deliberately indifferent to the need to adequately protect Reath's health and safety. See Butler v. Fletcher, 465 F.3d 340,

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<sup>1</sup>The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable John E. Simko, United States Magistrate Judge for the District of South Dakota.

344-45 (8th Cir. 2006) (applying deliberate indifference standard to such claims). Accordingly, we affirm. See 8th Cir. R. 47B.

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