

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2652

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Jason Price

*Plaintiff - Appellant*

v.

Steve Larkins, Warden, ERDCC, Individually; Larry Short, Functional Unit Manager, ERDCC, Individually; Unknown Wescott, Sergeant, Correctional Officer II, ERDCC, Individually; Unknown Miller, Correctional Officer I, ERDCC, Individually; Unknown Holifield, Correctional Officer I, ERDCC, Individually; Michelle Williford, Correctional Officer I, ERDCC, Individually

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: January 29, 2013  
Filed: February 27, 2013  
[Unpublished]

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Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Inmate Jason Price appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Upon de novo review, see Whitson v. Stone County Jail, 602 F.3d 920, 923 (8th Cir. 2010), we agree with the district court that the record does not create a jury issue on whether defendants violated the Eighth Amendment by failing to avert an attack that Price suffered at the hands of a fellow inmate, see Young v. Selk, 508 F.3d 868, 871-72 (8th Cir. 2007) (under Eighth Amendment's prohibition against cruel and unusual punishment, prison officials must take reasonable steps to guarantee inmate safety by protecting them from attacks by other inmates). Because we agree with the court that the record does not establish an Eighth Amendment violation, we need not address the issue of qualified immunity. See Schmidt v. City of Bella Villa, 557 F.3d 564, 574 (8th Cir. 2009). The judgment of the district court is affirmed.

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<sup>1</sup>The Honorable Audrey G. Fleissig, United States District Judge for the Eastern District of Missouri.