

United States Court of Appeals
For the Eighth Circuit

No. 13-2544

Terry Lee Ratliff

Plaintiff - Appellant

v.

Sheriff of Burleigh County; Administrator of Burleigh County; Burleigh County
Detention Center Staff

Defendants - Appellees

Appeal from United States District Court
for the District of North Dakota - Bismarck

Submitted: October 3, 2013
Filed: October 11, 2013
[Unpublished]

Before LOKEN, BYE, and BENTON, Circuit Judges.

PER CURIAM.

North Dakota inmate Terry Lee Ratliff appeals the district court's¹ dismissal, without prejudice, of his 42 U.S.C. § 1983 complaint. After careful de novo review, *see Kaden v. Slykhuis*, 651 F.3d 966, 968 (8th Cir. 2011) (per curiam), this court concludes that dismissal was proper.

Ratliff failed to state a claim based on denial of access to the courts because he did not allege actual injury to any pending or contemplated legal claim. *See Myers v. Hundley*, 101 F.3d 542, 544 (8th Cir. 1996). He failed to state a claim based on the conditions of his confinement because the deprivations he alleged were objectively not sufficiently serious. *See Williams v. Delo*, 49 F.3d 442, 445 (8th Cir. 1995). He also failed to state a claim based on inadequate medical care. While he alleges new facts on appeal, the allegations before the district court did not indicate that he suffered from an objectively serious medical need, which were actually known by defendants, but deliberately disregarded. *See Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 499 (8th Cir. 2008) (defining standard); *Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004) (district court is not required to assume facts not alleged).

The judgment is affirmed. *See* 8th Cir. R. 47B.

¹The Honorable Charles S. Miller, United States Magistrate Judge for the District of North Dakota, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).