

**United States Court of Appeals**  
**For the Eighth Circuit**

---

No. 14-1030

---

Jackie D. Johnson

*Plaintiff - Appellant*

v.

Terry Burton, Arkansas State Police Badge #312

*Defendant - Appellee*

---

Appeal from United States District Court  
for the Eastern District of Arkansas - Jonesboro

---

Submitted: July 29, 2014

Filed: July 31, 2014

[Unpublished]

---

Before BYE, SMITH, and KELLY, Circuit Judges.

---

PER CURIAM.

Jackie Johnson appeals the district court's<sup>1</sup> Federal Rule of Civil Procedure 12(b)(6) dismissal of his civil complaint, in which he claimed violations of his Fourth

---

<sup>1</sup>The Honorable Brian S. Miller, Chief Judge, United States District Court for the Eastern District of Arkansas.

and Eighth Amendment rights. Upon careful de novo review, we conclude that the district court did not err in dismissing Johnson's claims, which we agree were asserted against the named defendant in his official capacity only, and were thus barred by the Eleventh Amendment. See Minn. Majority v. Mansky, 708 F.3d 1051, 1055 (8th Cir.) (de novo review of Rule 12(b)(6) dismissal), cert. denied, 134 S. Ct. 824 (2013); Reynolds v. Dormire, 636 F.3d 976, 981 (8th Cir. 2011) (official-capacity damages claims are barred by Eleventh Amendment); Baker v. Chisom, 501 F.3d 920, 923-24 (8th Cir. 2007) (if complaint is silent about capacity in which defendant is sued, district court interprets complaint as including only official-capacity claims). Accordingly, we affirm. See 8th Cir. R. 47B.

---