

United States Court of Appeals  
For the Eighth Circuit

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No. 15-1204

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Pimenio Vela Herrera

*Plaintiff - Appellant*

v.

Tammy Mowry, in their individual capacity; Monte Hovik, in their individual capacity

*Defendants - Appellees*

Jesse Robins, in their individual capacity

*Defendant*

Jerod Hahn, Deputy, in their individual capacity; J. D. Sutphen; Jeremy Brungard,  
in their individual capacity

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of Nebraska - Omaha

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Submitted: September 3, 2015

Filed: September 10, 2015

[Unpublished]

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Before WOLLMAN, SMITH, and BENTON, Circuit Judges.

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PER CURIAM.

Pimenio Herrera appeals following the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action involving claims that defendants used excessive force and violated his constitutional rights, by assaulting him and transporting him unclothed between detention facilities. Following careful review, we affirm for the reasons stated by the district court, see 8th Cir. R. 47B, and we grant appellees' motions to strike an affidavit Herrera filed for the first time on appeal.

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<sup>1</sup>The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.