

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

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No. 15-1818

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Harlan Hall Willet, Jr.

*Plaintiff - Appellee*

v.

Jason Smith; Brad Wittrock; Daniel Pingel

*Defendants*

Jerry Burch; Jayla Graybill

*Defendants - Appellants*

Sean Morris

*Defendant*

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Appeal from United States District Court  
for the Northern District of Iowa - Sioux City

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Submitted: December 11, 2015

Filed: January 7, 2016

[Unpublished]

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Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Jerry Burch and Jayla Graybill--employees of the Civil Commitment Unit for Sex Offenders (CCUSO) in Iowa--appeal the denial of summary judgment based on qualified immunity in this 42 U.S.C. § 1983 action brought by CCUSO patient Harlan Willet, Jr.. Upon careful de novo review of the record and consideration of the parties' briefs, we conclude that the admissible evidence before the district court could not, as a matter of law, support a determination that Burch and Graybill violated Willet's clearly established Fourteenth Amendment right to substantive due process. See Jones v. McNeese, 746 F.3d 887, 899-900 (8th Cir.) (qualified immunity standard), cert. denied, 135 S. Ct. 688 (2014). Accordingly, the order of the district court denying Burch and Graybill summary judgment on their qualified immunity defenses is reversed, and the case is remanded for entry of judgment in favor of Burch and Graybill.

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