

United States Court of Appeals
For the Eighth Circuit

No. 15-1883

Bobby Joe Downs

Plaintiff - Appellant

v.

Nick Ludwick; Rebecca Bowker; Deborah Nichols; Todd Ensminger; Thomas Jones; Berl Wilcox; Sheryl Dahm; Dave DeGrange; William Ell, Jr.

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: January 28, 2016
Filed: February 3, 2016
[Unpublished]

Before BENTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Iowa inmate Bobby Joe Downs filed a 42 U.S.C. § 1983 action against Iowa State Penitentiary Warden Nick Ludwick and eight other prison officials. Downs claimed he was denied access to legal materials and subjected to other unconstitutional conditions of confinement. The parties filed cross-motions for

summary judgment, and the district court¹ granted summary judgment in favor of defendants. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

The district court correctly found that Downs did not establish an actual injury in support of his denial-of-access claim. *See Hartsfield v. Nichols*, 511 F.3d 826, 831-32 (8th Cir. 2008). Downs was not deprived of his right to religious freedom or subjected to a violation of the Establishment Clause based on the availability of a Christian-oriented television channel. *Cf. Young v. Lane*, 922 F.2d 370, 377 (7th Cir. 1991) (Free Exercise Clause guarantees liberty interest; it does not guarantee that all religious sects will be treated alike in all respects). The claim of sexual exploitation, based on Downs's perception of the sexual orientation of a prison guard, did not make the visual strip searches, to which Downs did not otherwise object, unconstitutional. The remaining general claims did not rise to a constitutional violation.

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

¹The Honorable Ronald E. Longstaff, United States District Judge for the Southern District of Iowa.