

United States Court of Appeals
For the Eighth Circuit

No. 15-2221

Jamie Shawn McCall

Plaintiff - Appellant

v.

Flowers, Corporal, Faulkner County Jail

Defendant - Appellee

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

Submitted: February 18, 2016

Filed: February 23, 2016

[Unpublished]

Before BENTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Jamie McCall appeals the district court's¹ adverse grant of summary judgment on his claims under 42 U.S.C. § 1983, arising out of an incident that occurred while he was a post-conviction detainee at the Faulkner County Detention Center (FCDC). McCall's section 1983 complaint claimed that, on the date in question, FCDC officer Corporal Flowers used excessive force while removing his restraints, and did so in retaliation for a lawsuit he had previously filed. The district court granted Flowers summary judgment, determining that he was entitled to qualified immunity.

After careful review, we conclude that summary judgment was properly granted because the facts viewed according to McCall's own account of the incident established beyond genuine dispute that Flowers's actions did not rise to the level of a constitutional violation. See Johnson v. Carroll, 658 F.3d 819, 825 (8th Cir. 2011) (grant of summary judgment is reviewed de novo; discussing summary judgment standard and qualified immunity); see also Hudson v. McMillian, 503 U.S. 1, 9-10 (1992) (Eighth Amendment's prohibition of cruel and unusual punishment necessarily excludes de minimis uses of force, provided that use of force is not repugnant to conscience of mankind); Chambers v. Pennycook, 641 F.3d 898, 906-07 (8th Cir. 2011) (because handcuffing inevitably results in minor irritation, injury, or discomfort, plaintiff must demonstrate something more to show that force applied in that context was excessive); Walker v. Bowersox, 526 F.3d 1186, 1190 (8th Cir. 2008) (per curiam) (determining that even if official's actions were retaliatory, they were not sufficiently severe to amount to constitutional violation).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Kristine G. Baker, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable Beth Deere, United States Magistrate Judge for the Eastern District of Arkansas.