

United States Court of Appeals
For the Eighth Circuit

No. 15-2259

Randall Thomas McArty

Plaintiff - Appellant

v.

State of Arkansas; Arkansas Department of Correction

Defendants

William Straughn, Mr., Warden, ADC, Tucker Max; Steve Outlaw, Mr., Assistant Warden, ADC, Tucker Max; Williams, Mr., Building Major, ADC, Tucker Max; Callaway, Sergeant of Building, ADC, Tucker Max; Adkins, Sergeant of Building, ADC, Tucker Max

Defendants - Appellees

Katina Owens, Corporal, ADC, Tucker Max; D. Cook, Field Major, ADC, Tucker Max; Jenkins, Mrs., Classification Officer, ADC, Tucker Max

Defendants

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

Submitted: November 24, 2015

Filed: December 4, 2015

[Unpublished]

Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Randall McArty appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action in which he claimed that defendants failed to protect him from an attack by another inmate. Upon careful de novo review, see Paine v. Jefferson Nat. Life Ins. Co., 594 F.3d 989, 991-92 (2010), we conclude, for the reasons explained by the district court, that defendants were not deliberately indifferent to a serious risk to McArty's safety, see Tucker v. Evans, 276 F.3d 999, 1001 (8th Cir. 2002). Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B.²

¹The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.

²We do not consider the dismissal of certain claims and defendants for failure to state a claim and failure to exhaust administrative remedies because McArty did not raise these issues in his brief. See Jasperson v. Purolator Courier Corp., 765 F.2d 736, 740-41 (8th Cir. 1985).