

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

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No. 15-3487

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Rex Gard

*Plaintiff - Appellant*

v.

Dennis Kaemingk, Secretary of Corrections for State of South Dakota, individually and in his official capacity; Doug Weber, Director of Prison Operations, individually and in his official capacity; Bob Dooley, Warden at Mike Durfee State Prison, individually and in his official capacity; Troy Ponto, Associate Warden at SDSP, individually and in his official capacity; Leland Tjeerdsma, Major, Head of Special Security, Mike Durfee State Prison, individually and in his official capacity; Clifton Fantroy, Unit Manager at SDSP Unit, individually and in his official capacity; George Deglman, Unit Manager at Mike Durfee State Prison, individually and in his official capacity; Sgt. Larson, Sergeant at Mike Durfee State Prison, individually and in his official capacity; Property Officer Berthelson, Property Officer at the SDSP Warehouse individually and in his official capacity

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of South Dakota - Sioux Falls

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Submitted: November 4, 2016

Filed: November 8, 2016

[Unpublished]

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Before WOLLMAN, ARNOLD, and GRUENDER, Circuit Judges.

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PER CURIAM.

South Dakota inmate Rex Gard appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Upon de novo review, we find no error in the district court's thorough and well-reasoned analysis of Mr. Gard's claims. See Murchison v. Rogers, 779 F.3d 882, 886-87 (8th Cir. 2015) (viewing summary judgment record in light most favorable to non-movant, and drawing all reasonable inferences from it in his favor). We find no merit to Mr. Gard's challenges to the other rulings he identifies. While we conclude that affirmance is warranted, see 8th Cir. R. 47B, we modify the district court's judgment to reflect that the adverse grant of summary judgment does not constitute a strike under 28 U.S.C. § 1915(g).

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<sup>1</sup>The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable Veronica L. Duffy, United States Magistrate Judge for the District of South Dakota.