

United States Court of Appeals
For the Eighth Circuit

No. 15-3492

Stephen Cavanaugh

Plaintiff - Appellant

v.

Hall County Department of Corrections; Fred Ruiz, Director; Jimmy Vann, Assistant Director; Darla Sparr, Sgt.; Carol Castleberry, Sgt.; Jason Conley, Sgt.; Debb Rea, Sgt.

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: July 5, 2016
Filed: July 14, 2016
[Unpublished]

Before COLLTON, GRUENDER, and KELLY, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, Nebraska prisoner Stephen Cavanaugh appeals after the district court¹ ruled adversely on his discovery-related motions, his motions seeking leave to amend his complaint, and the parties' cross-motions for summary judgment.

To begin, we conclude that the district court did not abuse its discretion by denying Cavanaugh's discovery-related motions or his motions seeking leave to amend his complaint. *See Marmo v. Tyson Fresh Meats, Inc.*, 457 F.3d 748, 759 (8th Cir. 2006) (district court has broad discretion in establishing and enforcing progression order deadlines); *Bell v. Allstate Life Ins. Co.*, 160 F.3d 452, 454 (8th Cir. 1998) (denial of motion to amend complaint reviewed for abuse of discretion).

We further conclude that the district court properly granted summary judgment in favor of defendants. *See Crain v. Bd. of Police Comm'rs*, 920 F.2d 1402, 1405-06 (8th Cir. 1990) (de novo standard of review). Specifically, we agree that Cavanaugh effectively sued only Hall County, *see Johnson v. Outboard Marine Corp.*, 172 F.3d 531, 535 (8th Cir. 1999), and that he failed as a matter of law to establish Hall County's liability, *see Bd. of Cty. Comm'rs v. Brown*, 520 U.S. 397, 403 (1997) (plaintiff seeking to impose liability on municipality under § 1983 is required to identify municipal policy or custom that caused injury); *see also Bernini v. City of St. Paul*, 665 F.3d 997, 1007-08 (8th Cir. 2012) (discussing liability based on official's policymaking authority); *Cowans v. Warren*, 150 F.3d 910, 911-12 (8th Cir. 1998) (per curiam) (inmate may not state claim of retaliation where discipline was imparted for acts that prisoner was not entitled to perform).

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

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.