

United States Court of Appeals
For the Eighth Circuit

No. 17-2376

Jerome Allen Bargo

Plaintiff - Appellant

v.

Raymond Naylor, Administrator of Internal Affairs, Arkansas Department of Correction; Randy Watson, Warden, Varner Unit; Jeremy Andrews, Deputy Warden, Varner Unit; Tony McHan, Deputy Warden of Security, Varner Unit; Thomas Rowland, C.V.S.A. Examiner, Internal Affairs; Keith Waddle, Disciplinary Hearing Officer, Internal Affairs; Gladys Evans, Supervisor of Library, Varner Unit

Defendants - Appellees

No. 18-1340

Jerome Allen Bargo, ADC #75423 and all other similarly situated inmates

Plaintiff - Appellant

Marion Gene Westerman, ADC #121452 and all other similarly situated inmates;
Robert Harold Munnerlyn, ADC #86196 and all other similarly situated inmates

Plaintiffs

v.

Wendy Kelley, Director, Arkansas Department of Correction; Randall Watson,
Warden, Varner Unit

Defendants

Jeremy Andrews, Deputy Warden, Varner Unit

Defendant - Appellee

Raymond Naylor, Disciplinary Hearing Administrator, ADC; Thomas Roland,
Internal Affairs Officer, ADC

Defendants

Keith Waddle, Disciplinary Hearing Officer, ADC

Defendant - Appellee

Gladys Evans, Supervisor, Varner Unit Library

Defendant

Jimmy Phillips, Correctional Captain, Varner Unit Field Utility and Hoe Squad

Defendant - Appellee

Ojiugo Iko, Doctor, Corizon Inc.

Defendant

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

Submitted: June 27, 2018
Filed: January 3, 2019
[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Jerome Bargo appeals from the adverse judgments in his related 42 U.S.C. § 1983 actions. In the case underlying appeal No. 18-1340, the District Court¹ disposed of the action in pre-service dismissal and summary judgment orders. After careful review of the record and the parties' arguments on appeal, we conclude there is no basis for reversal. See Peterson v. Kopp, 754 F.3d 594, 598 (8th Cir. 2014) (reviewing de novo the grant of summary judgment); Strandlund v. Hawley, 532 F.3d 741, 745 (8th Cir. 2008) (reviewing for abuse of discretion the dismissal of misjoined parties); Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (reviewing de novo pre-service dismissal).

In the case underlying appeal No. 17-2376, the District Court² dismissed the action based on res judicata and failure to state a claim. We have reviewed the record, and we conclude that dismissal was appropriate. See Kelly v. City of Omaha,

¹The Honorable Kristine G. Baker, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Judge Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.

²The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Patricia S. Harris, United States Magistrate Judge for the Eastern District of Arkansas.

813 F.3d 1070, 1075 (8th Cir. 2016) (reviewing de novo the grant of a motion to dismiss for failure to state claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure); Laase v. Cty. of Isanti, 638 F.3d 853, 856 (8th Cir. 2011) (“We review de novo the grant of a motion to dismiss for failure to state a claim based on *res judicata*.”).

We affirm in both cases.
