

United States Court of Appeals
For the Eighth Circuit

No. 17-2611

William R. Cody

Plaintiff - Appellant

v.

Ashley McDonald; Tim Meirose; Darin Young; Heather Bowers; Jessica Stevens;
Kayla Tinker; Dr. Mary Carpenter, MD; Jennifer Wagner; Linda Miller-Hunoff;
Steve Baker, in their individual and official capacities

Defendants - Appellees

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

Submitted: April 23, 2018

Filed: May 7, 2018

[Unpublished]

Before COLLOTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

South Dakota inmate William R. Cody appeals following the adverse grant of summary judgment by the District Court¹ in his 42 U.S.C. § 1983 action. Upon de novo review, see Murchison v. Rogers, 779 F.3d 882, 886-87 (8th Cir. 2015) (outlining summary judgment standard of review), we find no error in the grant of summary judgment on the only claim at issue in the instant appeal, i.e., that defendants denied Cody adequate legal materials or assistance to file an action based on the denial of medical care.² See 8th Cir. R. 47B.

¹The Honorable Roberto A. Lange, 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.

²Cody has not filed a reply brief challenging appellees' assertions that he has waived his other claims. See Hess v. Ables, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013) (claim is waived where this court is not briefed on why the dismissal of the claim was improper).