

United States Court of Appeals
For the Eighth Circuit

No. 18-1592

Khalan Ellington, ADC #655082

Plaintiff - Appellant

v.

Lacretia Flowers, Booking Agent, Faulkner County Detention Center Unit 2; Billy Kelly, Transport Officer, Faulkner County, Detention Center; Gary Andrews, Lieutenant

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Western Division

Submitted: December 14, 2018
Filed: December 27, 2018
[Unpublished]

Before LOKEN, BOWMAN, and GRASZ, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, Khalan Ellington — who was charged and convicted in two separate criminal cases — appeals the district court's¹ adverse grant

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas, adopting the recommended disposition of the Honorable Beth M. Deere, United States Magistrate Judge for the Eastern District of Arkansas.

of summary judgment on a due process claim arising out of a delay in setting his first appearance in the second criminal case. Upon careful de novo review, viewing the record in the light most favorable to Ellington and drawing all reasonable inferences in his favor, we conclude that the totality of the circumstances of this case would not shock the conscience even if there were any possible violation on these facts. *See Lucke v. Cty. of Hennepin*, 415 F.3d 936, 939–40 (8th Cir. 2005); *Hayes v. Faulkner Cty.*, 388 F.3d 669, 673–74 (8th Cir. 2004). We find that summary judgment was properly granted for the reasons stated in Magistrate Judge Deere’s Recommended Disposition dated January 24, 2018, as adopted by the district court. Accordingly, we affirm.
