

United States Court of Appeals
For the Eighth Circuit

No. 18-2213

Jose Oliveira-Coutinho,

Plaintiff - Appellant,

v.

Scott Frakes, Director of Nebraska Dept of Correctional Services, sued in individual & official capacities; Brian Gage, Warden of Tecumseh State Correctional Institution, sued in individual & official capacities; Patti Hughes, Legal Coordinator (TSCI Librarian) for Tecumseh State Correctional Institution, sued in individual & official capacities; Brad Hansen, Warden of Tecumseh State Correctional Institution, in his individual and official capacities; Scott Busboom, Deputy Warden of Tecumseh State Correctional Institution, in his individual and official capacities; April Bulling-June, Associate Warden of Tecumseh State Correctional Institution, in her individual and official capacities,

Defendants - Appellees.

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

Submitted: July 19, 2019

Filed: July 24, 2019

[Unpublished]

Before COLLOTON, WOLLMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, Nebraska inmate Jose Oliveira-Coutinho appeals after the district court¹ adversely granted summary judgment on his access-to-courts claim. He challenges the district court's grant of summary judgment, denial of his requests for discovery, and denial of his motions for appointment of counsel and to stay the proceedings while he sought counsel.

We conclude that the district court did not err in granting summary judgment, because Oliveira-Coutinho failed to create a genuine issue of material fact as to whether he was actually injured. *See Hartsfield v. Nichols*, 511 F.3d 826, 831-32 (8th Cir. 2008) (discussing actual-injury requirement for access-to-courts claim). We also conclude that the district court did not abuse its broad discretion in denying Oliveira-Coutinho's discovery requests. Finally, we conclude that the district court did not abuse its discretion in denying Oliveira-Coutinho's motion for appointment of counsel, or in denying his motion to stay the proceedings while he sought counsel.

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

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.