

United States Court of Appeals
For the Eighth Circuit

No. 18-3380

Larry W. Stephens

Plaintiff - Appellant

v.

Does, Lieutenant, EARU; Disciplinary Server, Varner Unit; Maurice Williams,
Major, McPherson Unit; Franklin Christopher Budnik, Deputy Warden, Cummins Unit

Defendants

Jeremy Andrews, Warden, EARU; James Dycus, Deputy Warden, EARU
(originally named as Dycus)

Defendants - Appellees

Asa Hutchinson, Governor, State of Arkansas

Defendant

Valerie Westbrook, CO, EARU (originally named as V Westbrook)

Defendant - Appellee

James Gibson, Warden, Varner Unit

Defendant

Dale Reed, Deputy Director, ADC

Defendant - Appellee

Micheal Richerson, Captain, Varner Unit; Tony McHan, Deputy Warden, Varner Max

Defendants

Wendy Kelley, Director, ADC (originally named as Wendy Kelly)

Defendant - Appellee

Keith Waddle, Disciplinary Judge, ADC

Defendant

Danny Morment, Sergeant, EARU (originally named as Danny Norment); Lester Allen, Sergeant, EARU (originally named as Allen); Tyrone Allison, Lieutenant, EARU (originally named as Allison); David Knott, Major, EARU; Seccer Cole, Sergeant, EARU (originally named as Cole); Graham, Sergeant, EARU (originally named as Gork)

Defendants - Appellees

Randle, Sergeant, EARU

Defendant

Amanda Granger, Lieutenant, EARU (originally named as Granger)

Defendant - Appellee

Rita Washington, Disciplinary Server, EARU; Joanna Franklin, Disciplinary Judge, ADC

Defendants

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

Submitted: September 4, 2019
Filed: September 17, 2019

Before LOKEN, GRUENDER, and KOBES, Circuit Judges.

PER CURIAM.

Arkansas inmate Larry Stephens appeals following the district court's¹ adverse judgment in his 42 U.S.C. § 1983 action. Stephens raised claims regarding exposure to sewage floods in his cell, denial of cleaning supplies after flooding, and denial of access to showers after flooding, as well as several unrelated claims. The district court initially dismissed the unrelated claims without prejudice, and we find no abuse of discretion in this dismissal, see Strandlund v. Hawley, 532 F.3d 741, 745 (8th Cir. 2008) (standard of review). The district court then granted summary judgment on Stephens's sewage-related claims, finding that he failed to exhaust his administrative remedies. We have reviewed the district court's order and we find no error. Affirmed. *See* 8th Cir. R. 47B. We deny Stephens's motion for review of the prison video footage.

¹ The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Beth Deere, United States Magistrate Judge for the Eastern District of Arkansas.