

United States Court of Appeals
For the Eighth Circuit

No. 19-2001

Anthony C. Green

Plaintiff - Appellant

v.

Kelly Lake, Carlton County Sheriff; Kevin Moser, MSOP Facility Director; Steve Sayovitz, MSOP A-Team Supervisor; Ann Zimmerman, MSOP Administrator; Nicole Marvel, MSOP A-Team; Greg Swenson, Security Counselor; Elizabeth Barbo, MSOP - Former Assistant Clinical Director; Anthony Bastien, Carlton County Deputy Sheriff; Jesse Peterson, Carlton County Deputy Sheriff; Amanda Schaller, Security Counselor

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: January 31, 2020

Filed: February 12, 2020

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Anthony Green, who is civilly committed to the Minnesota Sex Offender Program, appeals the district court's¹ dismissal of his pro se 42 U.S.C. § 1983 action. Upon careful de novo review, see Montin v. Moore, 846 F.3d 289, 292, 293 (8th Cir. 2017) (standard of review), we find no error in the district court's well-reasoned decision. We agree that Green did not state a claim for constitutional violations stemming from the use of force, see Kingsley v. Hendrickson, 135 S. Ct. 2466, 2473 (2015) (in excessive-force claim, detainee must show that force purposely used against him was objectively unreasonable); Folkerts v. City of Waverly, 707 F.3d 975, 980 (8th Cir. 2013) (substantive due process claim requires that defendants violated plaintiff's fundamental right and that their conduct shocked conscience); the conduct of strip searches, see Bell v. Wolfish, 441 U.S. 520, 558-59 (1979) (in determining reasonableness of search, court considers scope of intrusion, manner and location in which search is conducted, and justification for search); Folkerts, 707 F.3d at 980; or his placement in the High Security Area, see Wong v. Minn. Dep't of Human Servs., 820 F.3d 922, 935 (8th Cir. 2016) (plaintiff failed to state procedural due process claim where complaint made clear that he had opportunity to be heard at meaningful time and in meaningful manner); Folkerts, 707 F.3d at 980. We also find that the district court did not abuse its discretion in denying Green leave to file a second amended complaint. See Pet Quarters, Inc. v. Depository Tr. & Clearing Corp., 559 F.3d 772, 782 (8th Cir. 2009).

The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Steven E. Rau, late United States Magistrate Judge for the District of Minnesota.