

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 19-2527

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Darryl E. Briggs

*Plaintiff - Appellant*

v.

Charles Allen, Sergeant, Pulaski County Regional Detention Facility (originally  
named as Allen)

*Defendant - Appellee*

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

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Submitted: January 13, 2020  
Filed: January 22, 2020  
[Unpublished]

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Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

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PER CURIAM.

In this 42 U.S.C. § 1983 action, Darryl Briggs sued Pulaski County Regional Detention Facility Sergeant Charles Allen, claiming that Allen used excessive force against him while he was incarcerated awaiting transfer to the Arkansas Department

of Corrections. Briggs appeals the district court's<sup>1</sup> adverse grant of summary judgment.

Upon careful de novo review, we conclude that Allen was entitled to summary judgment because it was beyond genuine dispute that Allen's use of force did not violate Briggs's constitutional rights. See Dooley v. Tharp, 856 F.3d 1177, 1181 (8th Cir. 2017) (standard of review); see also Hudson v. McMillian, 503 U.S. 1, 6-7 (1992) (unnecessary and wanton infliction of pain constitutes cruel and unusual punishment; whether force is unnecessary and wanton depends on whether it was applied in good faith to restore discipline, or maliciously and sadistically to cause harm); Monell v. Dep't of Soc. Servs., 436 U.S. 658, 690-92 (1978) (official-capacity claim under § 1983 fails unless official policy or custom caused violation of plaintiff's rights). Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Patricia S. Harris, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).