

United States Court of Appeals
For the Eighth Circuit

No. 20-1370

Jerry K. Bausby

Plaintiff - Appellant

Michael E. Cain; Kylr C. Yust; Gerald Weidler; Joseph Wyatt; Brian K. Moyer

Plaintiffs

v.

Jackson County Detention Center; Aaron Copes, Caseworker; Shanna Bowden;
Jackson County, Missouri

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: August 31, 2020

Filed: September 11, 2020

[Unpublished]

Before ERICKSON, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Missouri prisoner Jerry Bausby appeals the district court's¹ denial of his motions for appointment of counsel, and the court's adverse judgment following a bench trial, in this 42 U.S.C. § 1983 action. After careful review of the record and the parties' arguments on appeal, we conclude that the district court did not abuse its discretion in denying Bausby's motions for appointment of counsel. See Patterson v. Kelley, 902 F.3d 845, 849-50 (8th Cir. 2018) (standard of review; pro se litigants have no right to appointed counsel; district court may appoint counsel if convinced plaintiff and court would benefit from assistance of counsel). Because Bausby has failed to provide a transcript of the trial proceedings, this court cannot meaningfully review his challenge to the district court's judgment. See Fed. R. App. P. 10(b) (discussing appellant's duty to order transcripts); see also Schmid v. United Bhd. of Carpenters & Joiners of Am., 827 F.2d 384, 386 (8th Cir. 1987) (per curiam) (explaining that, without trial transcript, this court could not determine whether district court's comments or rulings during course of proceedings amounted to judicial bias, or whether district court erred in excluding or admitting certain evidence). Accordingly, we affirm. See 8th Cir. R. 47B. We also grant the motion to dismiss filed by defendant Jackson County.²

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

²Bausby has not appealed the district court's earlier order dismissing the county as a defendant, or other earlier orders dismissing other parties and claims. We do not address issues not raised on appeal. See Montin v. Moore, 846 F.3d 289, 295 (8th Cir. 2017) (claims not raised in opening brief are waived).