

United States Court of Appeals
For the Eighth Circuit

No. 22-1821

Tyler Klingensmith

Plaintiff - Appellant

v.

Internal Parole Off. “Jane” Taylor, Parole Officer; Dawn B. Vandiver, Parole Board Secretary; Dr. Sells, Unit Psychologist, Ouachita River Correctional Unit (ORCU); Donna Dycus, ORCU, Unit Coordinator; Clayton Deboer, ORCU, Mental Health Case Manager; Mrs. Hamer, ORCU, Mental Health Supervisor; Officer R. Bleadsoe, ORCU; Rory Griffin, Director of Health and Correctional Services; Warden G. Earl, ORCU; Parole Officer West; Jennings, also known as Jenkins; Mrs. Fuller; Major Christopher, ORCU/ADC; Mrs. Hossman; Lt. Delaney, ADC Security/ORCU; Assist Warden Ball, ORCU; Dexter Payne, ADC Director; Mark Jordan, Bentonville PD Detective; Lt. Hunter, ADC Security/ORCU; Cummings; Mendoza; Whitley

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: January 31, 2023

Filed: February 7, 2023

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Tyler Klingensmith appeals following the district court's¹ grant of defendants' motions for summary judgment in this 42 U.S.C. § 1983 action in which Klingensmith alleged violations of his constitutional rights stemming from a period of confinement within the Arkansas Division of Correction. Having carefully reviewed the record and the parties' arguments on appeal, see De Rossitte v. Correct Care Solutions, LLC, 22 F.4th 796, 802 (8th Cir. 2022) (de novo review of summary judgment rulings); Ballard v. Heineman, 548 F.3d 1132, 1136 (8th Cir. 2008) (abuse of discretion review of rulings related to adequacy of discovery), we conclude that defendants were entitled to summary judgment upon demonstrating that Klingensmith failed to exhaust his administrative remedies as required under 42 U.S.C. § 1997e(a), see Gibson v. Weber, 431 F.3d 339, 341 (8th Cir. 2005), and that Klingensmith failed to establish a retaliation claim against defendant Clayton Deboer, see De Rossitte, 22 F.4th at 804.

Accordingly, the judgment is affirmed for the reasons provided in the district court's rulings. See 8th Cir. R. 47B.

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas.