

United States Court of Appeals
For the Eighth Circuit

No. 23-2457

Harold David Yaritz

Plaintiff - Appellant

v.

Department of Corrections; RC; Warden Guy Bosch, of the Stillwater Facility;
Victor Wanchena, Assistant Warden of Stillwater; Stephanie Huppert, Prior
Program Director Stillwater, now Assistant Warden Rush City; Ms. Westphal,
Assistant Warden Faribault; DOC Commissioner Paul Schnell; Deputy
Commissioner Michelle Smith

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: June 25, 2024

Filed: June 28, 2024

[Unpublished]

Before GRUENDER, ERICKSON, and KOBES, Circuit Judges.

PER CURIAM.

Minnesota inmate Harold Yaritz appeals the district court's¹ dismissal of his pro se 42 U.S.C. § 1983 action. Upon careful de novo review, we affirm. See Ingram v. Ark. Dep't of Corr., 91 F.4th 924, 927 (8th Cir. 2024) (standard of review). We conclude that the district court did not err in construing Yaritz's second amended complaint as the sole operative pleading. See In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000) (amended complaint ordinarily supersedes original complaint and renders it without legal effect). As this complaint did not articulate specific claims, request specific relief, or allege sufficient facts to establish any individual defendant's personal involvement in the alleged violations, we find dismissal was appropriate. See Fed. R. Civ. P. 8(a) (pleading that states claim for relief must include short and plain statement of claim and demand for relief sought); White v. Jackson, 865 F.3d 1064, 1081 (8th Cir. 2017) (42 U.S.C. § 1983 claim requires plaintiff to show each individual defendant's personal involvement in alleged violation).

The judgment is affirmed. See 8th Cir. R. 47B. We deny Yaritz's pending motion.

¹The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.