

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2711

Delmar Waits,

Appellant,

v.

Hoyt Brill,

Appellee.

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Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Submitted: October 26, 2000

Filed: October 27, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Delmar Waits appeals the district court's adverse grant of summary judgment in Waits's 42 U.S.C. § 1983 deliberate-indifference action. We affirm.

Having carefully reviewed the record and the parties' briefs, we conclude the district court correctly granted summary judgment based on Waits's failure to produce sufficient evidence to create any genuine issue of material fact. We also conclude that Waits's attempt to appeal an earlier order of the district court dismissing eleven named prison officials before service of process fails because Wait did not designate this order

in his notice of appeal, see Fed. R. App. P. 3(c)(1)(B) (notice of appeal must designate judgment or order being appealed); Berdella v. Delo, 972 F.2d 204, 207 (8th Cir. 1992). In any event, we agree with the district court that dismissal was warranted given Waits's failure to specify how each of these individuals violated his rights. We thus affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.