

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1289

Darrell Donta McKenzie,

Appellant,

v.

Michelle Hill, Officer, Little Rock
Police Department; Kevin Simpson,
Detective, Little Rock Police
Department; Plunkett, Officer, Little
Rock Police Department; Ringgold,
Officer, Little Rock Police Department,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: August 21, 2009

Filed: August 25, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Darrell McKenzie appeals from the district court's¹ dismissal of his 42 U.S.C. § 1983 action following an evidentiary hearing. After reviewing the record, we find no basis to reverse. *See Johnson v. Bi-State Justice Ctr.*, 12 F.3d 133, 135-36 (8th Cir. 1993) (approving use of pretrial evidentiary hearing to determine whether pro se inmate's nonfrivolous § 1983 damages claim warrants jury trial; if both sides present evidence at hearing, standard is whether evidence presents sufficient disagreement to require jury submission or whether it is so one-sided that one party must prevail as matter of law). Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas.