

No. 09-3758

[UNPUBLISHED]

Submitted: June 18, 2010

Filed: June 24, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Missouri inmate Jimmie McGee-El (McGee) appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 civil action. After careful de novo review, see Strand v. Diversified Collection Serv., Inc., 380 F.3d 316, 317 (8th Cir. 2004), we conclude that (1) McGee's retaliatory-discipline claims were properly dismissed because there was "some evidence" to find him guilty of violating prison rules, see Henderson v. Baird, 29 F.3d 464, 469 (8th Cir. 1994); (2) his due process challenge to the disciplinary hearing is also meritless, because McGee failed to show that he had a protected liberty interest in avoiding the resulting punishment, see Lomholt v. Holder, 287 F.3d 683, 684 (8th Cir. 2002) (per curiam); Kennedy v. Blankenship, 100 F.3d 640, 642-43 & n.2 (8th Cir. 1996); and (3) the district court was not required to rule on discovery motions before dismissing the complaint, see First Commercial Trust Co. v. Colt's Mfg. Co., 77 F.3d 1081, 1083 n.4 (8th Cir. 1996), or to provide McGee with a list of deficiencies. Finally we do not consider the claims that either have been abandoned or are first raised on appeal.

Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.