

United States Court of Appeals
For the Eighth Circuit

No. 16-3150

Benjamin Muhammad Jones

Plaintiff - Appellant

v.

Kendrick Nelson, et al.

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Pine Bluff

Submitted: May 30, 2017

Filed: June 8, 2017

[Unpublished]

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Benjamin Muhammad Jones commenced this 42 U.S.C. § 1983 action, alleging that five correctional officers used excessive force and failed to protect Jones after relocating him when he intentionally flooded his cell. After lengthy pretrial proceedings, Jones's claims were tried to a jury, which returned a

verdict in favor of the defendants. Jones appeals, arguing the district court¹ abused its discretion in denying his motion for appointment of trial counsel and in its evidentiary rulings at trial. On appeal, Jones filed a motion for preparation of a trial transcript at government expense, which we denied, a motion for appointment of appellate counsel, a principal brief, and a reply brief.

After careful review of the record, we conclude that the district court did not abuse its discretion in denying appointment of counsel and in its evidentiary rulings at trial. We deny Jones's motion for appointment of appellate counsel, as the appeal does not raise complicated legal or factual issues, see Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013) (standard of review); and we deny his motion to reconsider the denial of a trial transcript at government expense because the appeal is frivolous, see 28 U.S.C. § 753(f); Thompson v. Housewright, 741 F.2d 213, 216 (8th Cir. 1984). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Brian S. Miller, Chief Judge of the United States District Court for the Eastern District of Arkansas.