

United States Court of Appeals
For the Eighth Circuit

No. 16-2621

Margaret Rae Foster

Plaintiff - Appellant

v.

Cerro Gordo County, an Iowa Municipal Corporation; City of Mason City, an Iowa Municipal Corporation; Rountaroun Phaiboun; Kevin Pals; Shad Stoeffler; Terry Allen Burns; Additional Unidentified Mason City Police Department Officers or Employees; Additional Unidentified Cerro Gordo County Jail Staff; Josh Stratmann; Brandon Neidermayer; Justin Faught; Chad Harkema; Rusty Pals; Brenda Crom; Marc Kappmeyer

Defendants - Appellees

No. 16-3195

Margaret Rae Foster

Plaintiff - Appellant

v.

Cerro Gordo County, an Iowa Municipal Corporation; City of Mason City, an Iowa Municipal Corporation; Rountaroun Phaiboun; Kevin Pals; Shad Stoeffler; Terry Allen Burns; Additional Unidentified Mason City Police Department Officers or Employees; Additional Unidentified Cerro Gordo County Jail Staff; Josh Stratmann; Brandon Neidermayer; Justin Faught; Chad Harkema; Rusty Pals; Brenda Crom; Marc Kappmeyer

Defendants - Appellees

Appeals from United States District Court
for the Northern District of Iowa - Ft. Dodge

Submitted: October 16, 2017
Filed: October 23, 2017
[Unpublished]

Before COLLOTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Margaret Foster appeals from the orders of the District Court granting summary judgment to defendants in her 42 U.S.C. § 1983 action claiming excessive force and deliberate indifference. We affirm the District Court. See 8th Cir. R. 47B. We deny as moot the pending motion.

KELLY, Circuit Judge, concurring in part, dissenting in part.

Because I believe there remain material facts in dispute regarding the claim of deliberate indifference against the jail nurse, I would reverse the grant of summary judgment on this claim. I otherwise concur.