

United States Court of Appeals
For the Eighth Circuit

No. 16-1046

Fineola Ingram; Justin Simmons; Brian Boykin

Plaintiffs - Appellants

v.

Cole County; Sheriff Greg White; John Wheeler

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: October 17, 2017

Filed: July 30, 2018

[Unpublished]

Before SMITH, Chief Judge, WOLLMAN, LOKEN, MURPHY, COLLOTON,
GRUENDER, BENTON, SHEPHERD, and KELLY, Circuit Judges, En Banc.¹

PER CURIAM.

¹Judge Murphy died on May 16, 2018, and thus did not participate in the final vote.

The district court's judgment dismissing claims against defendants Wheeler and White is affirmed, with four judges concluding that the complaint fails to state a claim and four judges concluding that the defendants are entitled to qualified immunity. The district court's judgment dismissing claims against Cole County is affirmed by an equally divided court.
