

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 18-2767

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Alan Lewis Doering

*Plaintiff - Appellant*

v.

Wendy Kelley, Director, ADC; Watson, Warden, Wrightsville Unit; Harris,  
Assistant Warden, Wrightsville Unit; Daniel Wayne Golden, Disciplinary Hearing  
Judge, ADC; Dwyatt E. Felts, Sergeant, Wrightsville Unit; Lowe, Major,  
Wrightsville Unit; John Doe, Assistant Director, ADC; Dale Reed, Deputy Director

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Western Division

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Submitted: May 2, 2019  
Filed: May 21, 2019  
[Unpublished]

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Before ERICKSON, BOWMAN, and GRASZ, Circuit Judges.

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PER CURIAM.

Arkansas inmate Alan Doering appeals after the district court<sup>1</sup> dismissed his 42 U.S.C. § 1983 action asserting a failure-to-protect claim. He argues the district court erred in dismissing his complaint, in denying him leave to amend his complaint, and in not allowing discovery to proceed.

We conclude the district court did not abuse its discretion in denying Doering leave to amend his complaint, as the proposed amendments sought to add defendants and substantially new claims. *See Fuller v. Sec’y of Def. of U.S.*, 30 F.3d 86, 89 (8th Cir. 1994) (concluding the district court did not abuse its discretion when it denied a motion for leave to amend complaint where the amended complaint sought to add defendants and substantially different claims arising from fundamentally different facts). Thus, the merits of his claims in his motion to amend are not before this court. We further conclude, after careful de novo review, that the district court did not err in dismissing the original complaint, as the original complaint did not allege any facts indicating any defendant had failed to provide a reasonable response to a known substantial risk of serious harm. *See Kelly v. City of Omaha*, 813 F.3d 1070, 1075 (8th Cir. 2016) (standard of review); *Young v. Selk*, 508 F.3d 868, 872–873 (8th Cir. 2007) (discussing requirements for an Eighth Amendment failure-to-protect claim). Finally, we conclude the district court did not abuse its discretion in staying discovery while it addressed the motion to dismiss. *See Toben v. Bridgestone Retail Operations, LLC*, 751 F.3d 888, 895 (8th Cir. 2014) (district courts have wide discretion in handling discovery matters). The judgment of the district court is affirmed. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Billy Roy Wilson, United States District Judge for the Eastern District of Arkansas, adopting the recommended disposition of the Honorable Beth M. Deere, United States Magistrate Judge for the Eastern District of Arkansas.