

United States Court of Appeals
For the Eighth Circuit

No. 19-2334

Michael Lavern Boyd

Plaintiff - Appellant

v.

Greg Rechcigl, et al.

Defendants - Appellees

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

Submitted: January 9, 2020

Filed: January 16, 2020

[Unpublished]

Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Arkansas inmate Michael Boyd appeals the district court's¹ grant of summary judgment dismissing his pro se 42 U.S.C. § 1983 action in which he alleged that various Arkansas Department of Corrections employees were deliberately indifferent to his medical needs, for failure to exhaust his administrative remedies under the Prison Litigation Reform Act (PLRA). In a prior appeal, we reversed the grant of summary judgment and remanded for further proceedings. See Boyd v. Doe, 746 Fed. Appx. 599 (8th Cir. 2018). On remand, the magistrate judge conducted an evidentiary hearing on the issue of exhaustion. See 28 U.S.C. § 636(b)(1)(B); Lee v. Willey, 789 F.3d 673, 677 (6th Cir. 2015) (district court may resolve factual disputes relevant to PLRA exhaustion in evidentiary hearing without jury trial). We review the district court's application of the PLRA's exhaustion requirement de novo and its findings of fact for clear error, see Nerness v. Johnson, 401 F.3d 874, 876 (8th Cir. 2005) (per curiam), and findings based on credibility determinations are entitled to great deference, see Story v. Norwood, 659 F.3d 680, 684-85 (8th Cir. 2011). Having carefully reviewed the record and the arguments on appeal, we conclude that summary judgment was properly granted for the reasons stated by the district court. See 42 U.S.C. § 1997e(a).

Boyd's pending motions to supplement the record are denied, appellees' motion to strike is denied as moot, and the judgment of the district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable J. Thomas Ray, United State Magistrate Judge for the Eastern District of Arkansas.