

United States Court of Appeals
For the Eighth Circuit

No. 19-2998

Charles Hamner

Plaintiff - Appellant

v.

Rory Griffin, Deputy Director, Healthcare Services, ADC; Jason Kelley, Healthcare Administrator, Correct Care Solutions; Heather Allen, Nursing Supervisor, Correct Care Solutions; Denetia Power, Nurse, Correct Care Solutions (Originally named as Demetria Powers); Charlotte Gardner, Regional Ombudsman, Correct Care Solutions (Originally named as C Gardner); Lottie Leaks, Nurse, Correct Care Solutions (Originally named as Leaks); Asia Wilson, Nurse, Correct Care Solutions (originally named as Wilson)

Defendants - Appellees

D. Powell, Grievance Officer, Varner Supermax, ADC

Defendant

Laconya Harris, Nurse, Correct Care Solutions (originally named as Harris); Krystal Coleman, Nurse, Correct Care Solutions (originally named as Coleman)

Defendants - Appellees

James Gibson, Warden, Varner Supermax, ADC; Scott Taylor, Security Captain, Varner Supermax, ADC; Plummer, Lieutenant, Varner Supermax, ADC; L. Strain, Sergeant, Varner Supermax, ADC; Washington, Sergeant, Varner Supermax, ADC; Lubertha Bailey, Mental Health Counselor, Varner Supermax, ADC

Defendants

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

Submitted: August 3, 2020

Filed: August 6, 2020

[Unpublished]

Before LOKEN, BENTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, former Arkansas inmate Charles Hamner appeals the district court's¹ adverse grant of summary judgment. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Viewing the record in a light most favorable to Hamner, and drawing all inferences in his favor, this court agrees with the district court that Hamner did not show deliberate indifference on the part of the Correct Care Solutions nurses and supervisors. *See Cullor v. Baldwin*, 830 F.3d 830, 836 (8th Cir. 2016) (de novo review); *Allard v. Baldwin*, 779 F.3d 768, 771-72 (8th Cir. 2015) (to prevail on deliberate indifference claim, inmate must show more than even gross negligence, and demonstrate mental state similar to criminal recklessness: defendants disregarded known risk to his health). Nor did he show deliberate indifference on the part of Arkansas Department of Correction official Rory Griffin. *See Luckert v. Dodge Cnty.*, 684 F.3d 808, 817 (8th Cir. 2012) (prison supervisors cannot be held liable

¹The Honorable D.P. Marshall Jr., Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.

under § 1983 based on respondeat superior theory; discussing supervisory liability); *cf. Meloy v. Bachmeier*, 302 F.3d 845, 849 (8th Cir. 2002) (where prison medical director lacks medical expertise, he cannot be held liable for diagnostic decisions of medical staff).

The judgment is affirmed. *See* 8th Cir. R. 47B.
