

United States Court of Appeals
For the Eighth Circuit

No. 20-1386

Ecclesiastical Denzel Washington

Plaintiff - Appellant

v.

Benjamin Brooke, et al.

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - St. Joseph

Submitted: September 24, 2020

Filed: October 2, 2020

[Unpublished]

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Missouri inmate Ecclesiastical Washington appeals the district court's¹ grant of summary judgment dismissing his 42 U.S.C. § 1983 damage claims alleging that

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

numerous Missouri correction officers were deliberately indifferent to his ongoing exposure to secondhand tobacco smoke, failed to protect Washington from assaults by other inmates displeased with his successful lawsuit to ban the sale and consumption of tobacco products, and failed to provide appropriate medical and dental care after the assaults. After dismissing many claims without prejudice for failure to exhaust, the district court granted the remaining defendants summary judgment dismissing the failure to protect claims.

After careful review of the record, we affirm for the reasons stated by the district court in its orders dated January 31 and February 5, 2020. See 8th Cir. Rule 47B. In particular, like the district court we conclude that defendants did not deliberately disregard a substantial risk of serious harm to Washington based on the general negative reaction of the prison population to his successful litigation. We decline to consider allegations and claims first raised by Washington on appeal.
