

United States Court of Appeals
For the Eighth Circuit

No. 20-1837

Harold D. Latin

Plaintiff - Appellant

v.

Sheriff Danny Martin, Nevada County, Arkansas, et al.

Defendants - Appellees

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

Submitted: December 21, 2020

Filed: December 29, 2020

[Unpublished]

Before LOKEN, WOLLMAN, and KOBES, Circuit Judges.

PER CURIAM.

Harold Latin appeals the district court's¹ adverse grant of summary judgment in his pro se section 1983 action. As an initial matter, we do not consider the new facts, claims, and arguments that Latin raises on appeal, including in his reply brief. See Combs v. Cordish Cos., 862 F.3d 671, 678 n.9 (8th Cir. 2017). Having reviewed de novo, we conclude the district court properly granted summary judgment to defendants. As to the conditions-of-confinement claim relating to an alleged water leak in his cell while Latin was a pretrial detainee, we conclude that Latin failed to present evidence showing that any defendant was deliberately indifferent to a substantial risk of serious harm; "mere negligence or inadvertence does not rise to the level of deliberate indifference." Kulkay v. Roy, 847 F.3d 637, 643 (8th Cir. 2017). Latin's medical deliberate-indifference claim failed for the reasons the district court explained. See Johnson v. Leonard, 929 F.3d 569, 575-76 (8th Cir. 2019). The district court properly dismissed the official-capacity claims; Latin failed to demonstrate any constitutional violation. See Whitney v. City of St. Louis, 887 F.3d 857, 860-61 (8th Cir. 2018). Finally, we agree that Latin's claims for injunctive relief became moot upon his transfer to another facility. See Smith v. Hundley, 190 F.3d 852, 855 (8th Cir. 1999).

Accordingly, we affirm the judgment of the district court and deny Latin's pending motions for the appointment of appellate counsel. See 8th Cir. R. 47B.

¹The Honorable Susan O. Hickey, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas.