

United States Court of Appeals
For the Eighth Circuit

No. 21-2745

Eleazar Garcia

Plaintiff - Appellant

v.

U.S. Marshalls; Sarpy County Jail; David W. Coombs, Special Deputy U.S.
Marshal, in his individual capacity; Jacob P. Betsworth, Special Deputy U.S.
Marshal, in his individual capacity

Defendants

Jeff Davis, Sarpy County Sheriff, in his individual capacity

Defendant - Appellee

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: December 20, 2021

Filed: December 28, 2021

[Unpublished]

Before BENTON, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Eleazar Garcia appeals the district court's¹ adverse grant of summary judgment on his claim against Sheriff Jeff Davis brought under 42 U.S.C. § 1983. Upon de novo review, see Marsh v. Phelps Cnty., 902 F.3d 745, 751 (8th Cir. 2018) (standard of review), we affirm. We agree with the district court that Davis could not be held liable under a respondeat superior theory, see id. at 753-54 (as § 1983 claims based on vicarious liability are not cognizable, plaintiff could not hold county sheriff liable for deputy's misconduct at county jail); and Garcia's unsupported argument on appeal that Davis was personally involved in his medical treatment because Davis's office would have approved treatment costs is speculative, see ACT, Inc. v. Sylvan Learning Sys., Inc., 296 F.3d 657, 666 (8th Cir. 2002) (on review of grant of summary judgment, non-movant is not entitled to benefit of unreasonable inferences that amount to mere conjecture). As Garcia's notice of appeal did not indicate that he sought review of the district court's earlier order dismissing his claims against the federal marshals, we lack jurisdiction to consider those claims. See Berdella v. Delo, 972 F.2d 204, 207-08 (8th Cir. 1992) (notice of appeal was insufficient to confer appellate jurisdiction over district court's earlier order dismissing claim against separate defendant on distinct grounds, as it did not include defendant in caption, specified only later order, and did not evince intent to appeal earlier order).

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

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.