

United States Court of Appeals
For the Eighth Circuit

No. 21-3809

Damian Durflinger

Plaintiff - Appellant

v.

Sheriff Tim Helder, Washington County, Arkansas; Deputy Gerardo Cervantes;
Deputy Andrew Whisenhunt; Deputy David Tonsbeek; Deputy Jordan Myatt;
Deputy Jonathan Glass; Corporal Dustin Carter; Sergeant James Morse; Corporal
Mulvaney; Sgt Mariah Carrier; Corporal Joel Minor

Defendants - Appellees

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

Submitted: August 3, 2022
Filed: August 8, 2022
[Unpublished]

Before BENTON, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Damian Durflinger appeals after the district court adopted the report and recommendation of a magistrate judge recommending the adverse grant of summary

judgment in this pro se civil rights action. Following the district court's grant of summary judgment, the court received objections to the report and recommendation from Durflinger, who certified that he timely mailed the objections from the prison in which he was incarcerated. We conclude Durflinger's objections were timely, and remand is appropriate to allow the district court to conduct de novo review of the report and recommendation in light of Durflinger's objections. *See* 28 U.S.C. § 636(b)(1) (stating district court judge shall make de novo determination of portions of magistrate judge's report to which objection has been made); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Accordingly, we vacate the judgment of the district court and remand for the district court to conduct the required de novo review.
