

United States Court of Appeals
For the Eighth Circuit

No. 21-2806

Roderick G. Talley

Plaintiff - Appellant

v.

City of Little Rock, a municipality; Kenton Buckner, individually, et al.

Defendants - Appellees

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

Submitted: January 23, 2023

Filed: January 26, 2023

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Roderick Talley appeals the district court's¹ grant of summary judgment dismissing his 42 U.S.C. § 1983 action alleging that Little Rock police officers

¹The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas.

violated his constitutional rights in searching his apartment pursuant to an invalid no-knock search warrant and the City is liable for this unconstitutional conduct.

Upon careful review, we agree with the district court that, even without false statements in the warrant affidavit regarding what the officers personally observed during an informant's controlled drug buy, the affidavit provided sufficient probable cause that drugs would be found in Talley's residence based on what the informant told the officers and other information the officers received that Talley was involved in drug activity on the premises. Nor did the officers rely on a no-knock warrant that "was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable." Kiesling v. Holladay, 859 F.3d 529, 533 (8th Cir. 2017) (quotation omitted). Because we conclude there was no underlying constitutional violation, the City cannot be liable. See Furlow v. Belmar, 52 F.4th 393, 406 (8th Cir. 2022).

Accordingly, we affirm.
