

United States Court of Appeals
For the Eighth Circuit

No. 22-3483

Emmanuel S. Yanga

Plaintiff - Appellant

v.

Nebraska Department of Correctional Services; Robert Madsen, Warden at State Prison of Nebraska, in their individual and official capacities; Michelle Wilhelm, Warden at state prison of Nebraska, in their individual and official capacities; A.

Larson, staff agents at state prison of Nebraska, in their individual and official capacities; F. Howard, staff agents at state prison of Nebraska, in their individual and official capacities; Rathji, staff agents at state prison of Nebraska, in their individual and official capacities; Dzulynsky, staff agents at state prison of Nebraska, in their individual and official capacities; P. Larson, staff agents at state prison of Nebraska, in their individual and official capacities

Defendants

Cody Eastman, correctional officers at state prison of Nebraska, in their individual and official capacities

Defendant - Appellee

M. Spainhower, correctional officers at state prison of Nebraska, in their individual and official capacities; Peter, correctional officers at state prison of Nebraska, in their individual and official capacities

Defendants

Micala Wessel, correctional officers at state prison of Nebraska, in their individual and official capacities; Galen R. Schaffer, correctional officers at state prison of

Nebraska, in their individual and official capacities; Matthew U. Patida,
correctional officers at state prison of Nebraska, in their individual and official
capacities

Defendants - Appellees

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

Submitted: April 17, 2023

Filed: April 20, 2023

[Unpublished]

Before KELLY, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Emmanuel Yanga appeals the grant of summary judgment to corrections officers who allegedly violated his Eighth Amendment rights. Having carefully reviewed the record and the parties' arguments on appeal, we conclude that there are no material facts in dispute and the officers are entitled to judgment as a matter of law. *See Fletcher v. Conoco Pipe Line Co.*, 323 F.3d 661, 664, 666 (8th Cir. 2003) (reviewing a grant of summary judgment de novo and emphasizing that a party seeking a judge's recusal "carries a heavy burden of proof" (citation omitted)); *Santiago v. Blair*, 707 F.3d 984, 990 (8th Cir. 2013) (explaining that excessive-force claims require the "malicious[] and sadistic[]" infliction of harm and failure-to-treat

claims arise only when officials are “deliberate[ly] indifferen[t]” to an “objectively serious medical need”). We accordingly affirm the judgment of the district court.¹ *See* 8th Cir. R. 47B.

¹The Honorable Brian C. Buescher, United States District Judge for the District of Nebraska, adopting the report and recommendations of the Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.