

United States Court of Appeals
For the Eighth Circuit

No. 23-1125

Dale Allen Lindsey

Plaintiff - Appellant

v.

Terry Kneisel, MSOP--Moose Lake Facility Director; Scott Benoit, Office of Special Investigation Supervisor; Thane Murphy, Office of Special Investigation; Jordan W. Goodman, Program Manager; Allison M. Immel, BER Staff; Beth Anderson, Therapist; Phillip Olson, Unit Director, 1C; Scott Giannini, Unit Director, 1E; Kristi L. Wagner, Unit Director 1B; Sarah Herrick, Therapist 1B

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: June 23, 2023

Filed: June 29, 2023

[Unpublished]

Before GRUENDER, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Dale Lindsey appeals the dismissal of his complaint against staff members at the Minnesota Sex Offender Program for allowing his roommate to assault him.

Having carefully reviewed the record and the parties' arguments on appeal, we conclude that Lindsey has failed to state a claim. *See Prater v. Dahm*, 89 F.3d 538, 540–41 (8th Cir. 1996) (reviewing de novo, explaining that officials must “actually know of a substantial risk” to be liable, and observing that not all threats “impute actual knowledge”); *see also Mischia v. St. John’s Mercy Health Sys.*, 457 F.3d 800, 805 (8th Cir. 2006) (holding that a plaintiff can be denied leave to amend his complaint when he does not file a motion or explain what he would change). We accordingly affirm the judgment of the district court.¹ *See* 8th Cir. R. 47B.

¹The Honorable Nancy E. Brasel, United States District Judge for the District of Minnesota.