

United States Court of Appeals
For the Eighth Circuit

No. 23-2847

William H. Daly

Plaintiff - Appellant

v.

Chief Kevin Thom, Chief at Sheriff's Department; individual and official capacity;
Commander Robert Yantis, Commander at Pennington County Jail; individual and
official capacity; Captain Munch, Captain at Pennington County Jail; individual
and official capacity

Defendants

Correctional Officer Comrie, Correctional Officer at Pennington County Jail;
individual and official capacity

Defendant - Appellee

Captain Anderson

Defendant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: March 15, 2024

Filed: March 20, 2024

[Unpublished]

Before BENTON, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, William Daly appeals the district court's¹ preservice dismissal of some of his claims, and the adverse grant of summary judgment as to his remaining claim. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court has reviewed the record de novo as well as the parties' arguments on appeal and concludes that preservice dismissal and summary judgment were proper. *See Cooper v. Schriro*, 189 F.3d 781, 783-85 (8th Cir. 1999) (per curiam) (de novo review of 28 U.S.C. § 1915A preservice dismissal; dismissal is proper where complaint fails to allege violation of federal right or lacks sufficient factual specificity to support its conclusions); *Nieters v. Holtan*, 83 F.4th 1099, 1105 (8th Cir. 2023) (de novo review of grant of summary judgment based on qualified immunity; for qualified immunity, facts must demonstrate constitutional or statutory deprivation when viewed in light most favorable to plaintiff).

The judgment is affirmed, *see* 8th Cir. R. 47B, and the pending motions are denied as moot.

¹The Honorable Roberto Lange, Chief Judge, United States District Court for the District of South Dakota.