

United States Court of Appeals
For the Eighth Circuit

No. 23-3153

Jarell Davis Terry

Plaintiff - Appellant

v.

Kenyon Randle, Major, EARU Max; Michael Richardson, Deputy Warden, EARU
Max; Gaylon Lay, Warden, EARU

Defendants - Appellees

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

Submitted: April 4, 2024
Filed: April 12, 2024
[Unpublished]

Before SHEPHERD, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Arkansas inmate Jarell Terry appeals following the district court's¹ adverse grant of summary judgment in his pro se 42 U.S.C. § 1983 action alleging that defendants violated his Eighth Amendment rights by depriving him of outdoor exercise. Having carefully reviewed the record and the parties' arguments on appeal, we find no basis for reversal. See Danker v. City of Council Bluffs, 53 F.4th 420, 423 (8th Cir. 2022) (de novo review of grant of summary judgment); Monarch Fire Prot. Dist. of St. Louis Cnty. v. Freedom Consulting & Auditing Servs., Inc., 644 F.3d 633, 639 (8th Cir. 2011) (abuse of discretion review of denial of motion for sanctions). As we affirm the adverse grant of summary judgment on the merits, we conclude Terry's challenge to the court's denial of a preliminary injunction is moot, see Mt. Graham Red Squirrel v. Madigan, 954 F.2d 1441, 1450 (9th Cir. 1992); and we lack jurisdiction to consider Terry's challenge to the order denying his post-judgment motion for reconsideration, as he did not file a new or amended notice of appeal after that order was issued, see Miles v. Gen. Motors Corp., 262 F.3d 720, 722-23 (8th Cir. 2001).

The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).