

United States Court of Appeals
For the Eighth Circuit

No. 23-1936

Jarell Davis Terry

Plaintiff - Appellant

v.

William Straughn, Assistant Director, ADC; Dexter Payne, Director, ADC; Devine
Maiden, Lieutenant, ADC (originally named as "Maiden"); Dennis Ugbaja,
Sergeant, ADC (Originally named as "Ugbaja")

Defendants - Appellees

Ciara Brown, Nurse, Wellpath (Originally named as "Brown")

Defendant

Mya Coney

Defendant - Appellee

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

Submitted: April 26, 2024

Filed: May 13, 2024

[Unpublished]

Before GRUENDER, ERICKSON, 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. After careful review of the record and the parties' arguments on appeal, we conclude that the grant of summary judgment was proper for the reasons stated by the district court. See Smith v. Andrews, 75 F.4th 805, 808 (8th Cir. 2023) (de novo review of grant of summary judgment). We find no abuse of discretion in the district court's denial of Terry's motions regarding the surveillance video, and we lack jurisdiction to review the magistrate judge's orders denying his motions for recusal and appointment of counsel. See Williams v. Wells Fargo Bank, N.A., 901 F.3d 1036, 1042 (8th Cir. 2018) (when appellant does not object to magistrate's non-dispositive order before district court, appellate court cannot review order); Murchison v. Rogers, 779 F.3d 882, 893-94 (8th Cir. 2015) (gross abuse of discretion review of denial of untimely discovery motion); Press Mach. Corp. v. Smith R.P.M. Corp., 727 F.2d 781, 783 n.2 (8th Cir. 1984) (abuse of discretion review of decision to grant summary judgment without hearing).

The judgment is affirmed. See 8th Cir. R. 47B. We deny Terry's motion to supplement the record.

¹The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas.