

United States Court of Appeals
For the Eighth Circuit

No. 24-2808

Cody S. Howard

Plaintiff - Appellant

v.

Bruner, Officer, Pulaski County Jail

Defendant - Appellee

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

Submitted: May 14, 2025

Filed: May 19, 2025

[Unpublished]

Before BENTON, ERICKSON, and KOBES, Circuit Judges.

PER CURIAM.

Cody Howard appeals the district court's¹ adverse grant of summary judgment in his pro se 42 U.S.C. § 1983 action alleging excessive force by a jail guard while

¹The Honorable Lee P. Rudofsky, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Benecia Moore, United States Magistrate Judge for the Eastern District of Arkansas.

he was detained on a probation revocation warrant. Upon careful de novo review, we affirm. See Hall v. Higgins, 77 F.4th 1171, 1178 (8th Cir. 2023) (standard of review). We agree with the district court that no reasonable jury could find that the defendant jail officer's administration of a short burst of pepper spray constituted a malicious and sadistic attempt to harm Howard under the circumstances, even if arguably superior alternatives existed. See Jackson v. Gutzmer, 866 F.3d 969, 974-75 (8th Cir. 2017) (evidence that officer arguably erred in judgment in deciding to use force falls far short of showing there was no plausible basis for belief that force was necessary); Walker v. Bowersox, 526 F.3d 1186, 1188 (8th Cir. 2008) (per curiam) (officers may reasonably use force in good-faith effort to maintain or restore discipline, but not maliciously or sadistically to cause harm; courts may consider need for applying force, relationship between that need and amount of force used, threat officer reasonably perceived, any efforts used to diminish severity of forceful response, and extent of injury inflicted).

The judgment is affirmed. See 8th Cir. R. 47B. We deny Howard's pending motions.
