

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 99-2554

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Helen Marie McNair, Legal Guardian  
for Johnny Wayne Callen; Johnny  
Wayne Callen,

Appellant,

v.

Larry Norris, Director, Arkansas  
Department of Correction; Dave  
Johnson,

Appellees.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Arkansas.

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\* [UNPUBLISHED]  
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Submitted: April 21, 2000

Filed: April 27, 2000

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Before McMILLIAN, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Helen McNair, as legal guardian of her son, Johnny Callen, brought a 42 U.S.C. § 1983 suit against Larry Norris, Director of the Arkansas Department of Correction (ADC), and Dave Johnson, Parole Administrator, claiming (1) Mr. Norris failed to protect her son from assaults by other inmates, and (2) Mr. Johnson should have

“brought up” her son for parole. The district court<sup>1</sup> granted summary judgment to defendants, and she appeals. After carefully reviewing the record and the parties’ briefs, we affirm.

Specifically, we conclude the district court did not err in granting summary judgment to defendants, because Ms. McNair produced nothing to show that Mr. Norris had knowledge of a threat to Mr. Callen’s safety. See Spruce v. Sargent, 149 F.3d 783, 785 (8th Cir. 1998) (to state Eighth Amendment violation in case involving substantial risk of serious harm, inmate must show he was incarcerated under conditions posing substantial risk of serious harm, and official knew risk existed and disregarded it). And as to the claim concerning parole, among other things, Ms. McNair has not rebutted defendants’ evidence that Mr. Johnson had no authority to have Mr. Callen brought up for parole. See Martin v. Sargeant, 780 F.2d 1334, 1338 (8th Cir. 1985) (claim not cognizable under § 1983 where plaintiff did not allege defendant was personally involved in or had direct responsibility for incidents that injured him).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas.