

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

No. 99-2780

Charles Scholl,

Appellant,

v.

William A. Delaney, III, Contractor;
Steve Lee, Deputy Warden; Douglas
Weber, Warden, SD State Penitentiary;
Jeff Bloomberg, Secretary of the
Department of Corrections; William
Janklow, Governor, State of South
Dakota,

Appellees.

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* Appeal from the United States
* District Court for the
* District of South Dakota.

* [UNPUBLISHED]

Submitted: August 4, 2000
Filed: August 9, 2000

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

PER CURIAM.

As relevant to this appeal, Charles Scholl, a South Dakota inmate, brought this 42 U.S.C. § 1983 suit alleging denial of access to the courts based on closure of his prison's law library in favor of providing contract attorneys to assist inmates with their

legal needs. The District Court¹ granted summary judgment to defendants on Scholl's individual-capacity claims for damages, finding they were entitled to qualified immunity. The parties later settled his related official-capacity claims, and he preserved for appeal the Court's qualified-immunity ruling. Having carefully reviewed the record and the parties' briefs, *see Rouse v. Benson*, 193 F.3d 936, 939 (8th Cir. 1999) (standard of review), we affirm.

We find it was objectively reasonable for defendants to believe Scholl was not denied access to the courts by expecting him to cooperate with the contract attorney assigned to assist him, and by declining to provide him further legal assistance after he filed a bar complaint against the contract attorney who in fact had been attempting to assist him. *See Walden v. Carmack*, 156 F.3d 861, 869 (8th Cir. 1998) (in determining whether qualified immunity applies, objective reasonableness of defendants' actions must be assessed in light of clearly established law when action occurred); *cf. Lewis v. Casey*, 518 U.S. 343, 356 (1996) (“[W]e leave it to prison officials to determine how best to ensure that inmates with language problems have a *reasonably adequate opportunity* to file nonfrivolous legal claims challenging their convictions or conditions of confinement.”) (emphasis added).

Accordingly, we affirm.

¹The Honorable Lawrence L. Piersol, Chief Judge, United States District Court for the District of South Dakota.

A true copy.

Attest:

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