

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

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No. 00-3331

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Wayne Nichols,

Appellant,

v.

Jose Chacon, Arkansas State Police,  
in his official and individual capacity,

Appellee.

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Appeal from the United States  
District Court for the  
Western District of Arkansas.

[UNPUBLISHED]

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Submitted: July 6, 2001  
Filed: September 27, 2001

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Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

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PER CURIAM.

After the district court<sup>1</sup> granted Wayne Nichols summary judgment as to liability in his 42 U.S.C. § 1983 lawsuit against Arkansas State Police Trooper Jose Chacon, the jury awarded Nichols \$2000 in compensatory damages and \$2000 in punitive damages. The court then granted Chacon's motion for judgment as a matter of law striking the punitive damages. Nichols appeals.

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<sup>1</sup>The Honorable H. Franklin Waters, United States District Judge for the Western District of Arkansas.

Having reviewed de novo the district court's grant of Chacon's motion, see Fletcher v. Price Chopper Foods of Trumann, Inc., 220 F.3d 871, 875 (8th Cir. 2000) (standard of review), we agree that Nichols did not adduce any evidence that Chacon's conduct was "motivated by evil motive or intent, or . . . involve[d] reckless or callous indifference to [Nichols's] federally protected rights," see Smith v. Wade, 461 U.S. 30, 56 (1983) (standard for punitive damages in § 1983 actions).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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