

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3370

Shirley A. Tyus,

Appellant,

v.

Earl Cranor, Adult Probation and
Parole Officer, Conway, AR, Faulkner
County,

Appellee.

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

* [UNPUBLISHED]

Submitted: August 22, 2007
Filed: August 27, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Shirley Tyus appeals the district court's¹ dismissal of her 42 U.S.C. § 1983 complaint against a state parole and probation officer. Upon de novo review, see Thomas v. St. Louis Bd. of Police Comm'rs, 447 F.3d 1082, 1084-85 (8th Cir. 2006) (standard of review), we conclude that dismissal was proper because Tyus sued Officer Cranor only in his official capacity. See Johnson v. Outboard Marine Corp.,

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

172 F.3d 531, 535 (8th Cir. 1999) (“[I]n order to sue a public official in his or her individual capacity, a plaintiff must expressly and unambiguously state so in the pleadings, otherwise, it will be assumed that the defendant is sued only in his or her official capacity.”); Murphy v. Arkansas, 127 F.3d 750, 754 (8th Cir. 1997) (Eleventh Amendment bars damages claims against state officials acting in their official capacities).²

The judgment is affirmed.

²We do not consider Tyus’s claim for injunctive relief because it was not raised in the district court. See Alexander v. Pathfinder, Inc., 189 F.3d 735, 740 (8th Cir. 1999).