

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

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No. 06-4065

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Juan Luis Leonor,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	District of Nebraska.
	*	
Fred Britten, in his individual and	*	
official capacity; Unknown Hillman, in	*	
his individual and official capacity;	*	[UNPUBLISHED]
Unknown Jurrens, in his individual and	*	
official capacity; Unknown Hopkins,	*	
in his individual and official capacity;	*	
Harold W. Clark, in his individual and	*	
official capacity; Unknown Kenney, in	*	
his individual and official capacity;	*	
Unknown Ishewood, in his individual	*	
and official capacity; Unknown Hecky,	*	
in his individual and official capacity;	*	
J. Hurt, Case Worker at "TSCI," in his	*	
individual and official capacity; Kurk	*	
Kinland, Former Unit Administrator	*	
and Acting Warden at "TSCI," in his	*	
individual and official capacity;	*	
Michael Unknown, Case Worker at	*	
"TSCI," in his individual and official	*	
capacity,	*	
	*	
Appellees.	*	

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Submitted: April 7, 2008  
Filed: April 11, 2008

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Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Nebraska inmate Juan Luis Leonor appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 lawsuit. Having conducted de novo review, see Hartsfield v. Nichols, 511 F.3d 826, 829 (8th Cir. 2008), we affirm. We need not reach the issue of qualified immunity, because we find that Leonor failed to establish any trialworthy issues regarding actual injury. See White v. Kautzky, 494 F.3d 677, 680 (8th Cir. 2007) (because actual-injury requirement concerns standing to bring claim, actual-injury issue must first be decided; inmate must establish state has not provided opportunity to litigate claim challenging sentence in court of law, which resulted in actual injury, i.e., hindrance of nonfrivolous and arguably meritorious legal claim); Hartsfield, 511 F.3d at 832 (finding speculative inmate's claim that any postconviction complaint inmate would have filed would have been insufficient); see also Lewis v. Casey, 518 U.S. 343, 354 (1996) (rejecting proposition that state must enable inmate to litigate effectively once in court). We also find no abuse of discretion in the district court's denial of relief under Federal Rule of Civil Procedure 59(e). See Parton v. White, 203 F.3d 552, 556 (8th Cir. 2000) (per curiam) (standard of review).

Accordingly, we affirm and we deny as moot defendants' motion for summary affirmance.

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<sup>1</sup>The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.