

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

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No. 08-2762

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Roger Dale Sims,

Appellant,

v.

Gaylon Lay, Warden, Cummins Unit,  
ADC (originally sued as G. Lay),

Appellee.

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

[UNPUBLISHED]

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Submitted: August 26, 2009  
Filed: August 27, 2009

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Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

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PER CURIAM.

Roger Dale Sims appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action following remand for further proceedings on a claim against one defendant, *see Sims v. Lay*, 216 Fed. Appx. 599, 600 (8th Cir. 2007) (unpublished per curiam). Having carefully reviewed the record and considered Sims's arguments, we find no basis for reversal. *See Johnson v. Blaukat*, 453 F.3d

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<sup>1</sup>The Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

1108, 1112 (8th Cir. 2006) (de novo standard of review); Madewell v. Roberts, 909 F.2d 1203, 1208 (8th Cir. 1990) (§ 1983 liability requires direct responsibility for alleged deprivation of rights). Sims also appeals the district court's denial of his motions to amend the complaint and for a preliminary injunction, but we find no abuse of discretion in these rulings. See Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 755 (8th Cir. 2006) (standard for reviewing denial of leave to amend); Lankford v. Sherman, 451 F.3d 496, 503-04 (8th Cir. 2006) (standard for reviewing denial of preliminary injunction).

Accordingly, we affirm.

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