

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

---

No. 08-3699

---

Tommy D. Smith,

Appellant,

v.

Michael Deloney, Investigator,  
Arkansas Department of Correction  
originally sued only as Deloney;  
Cindy Courington, Investigator,  
Arkansas Department of Correction  
originally sued only as Courington,

Appellees.

\*  
\*  
\*  
\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Arkansas.  
\*  
\* [UNPUBLISHED]  
\*  
\*  
\*  
\*  
\*  
\*

---

Submitted: October 8, 2009

Filed: October 8, 2009

---

Before BYE, BOWMAN, and BENTON, Circuit Judges.

---

PER CURIAM.

Inmate Tommy D. Smith appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action. The district court granted summary

---

<sup>1</sup>The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas.

judgment after finding that Smith had failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a), and on appeal Smith fails to address this issue. Therefore, he has abandoned the issue for purposes of this appeal, *see Jasperson v. Purolator Courier Corp.*, 765 F.2d 736, 740 (8th Cir. 1985) (issues not raised on appeal are deemed abandoned). Because this was the only issue decided by the district court and it is dispositive, we affirm.

Accordingly, we affirm.

---