

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

No. 09-1211

Jimmy Doyle Bumgardner, Jr.,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the Eastern
	*	District of Arkansas.
City of Benton; Benton Police	*	
Department; Gary Sipes, Police Chief,	*	[UNPUBLISHED]
Benton, AR; Daniel Creasey, Officer,	*	
Benton Police Department; David	*	
Richey, Officer, Benton Police	*	
Department,	*	
	*	
Appellees.	*	

Submitted: December 4, 2009
Filed: December 9, 2009

Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

PER CURIAM.

Jimmy Doyle Bumgardner, Jr. (Bumgardner) appeals following the district court's¹ adverse grant of summary judgment in his suit under 42 U.S.C. § 1983,

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas.

arguing summary judgment was granted before discovery was complete, the court should have appointed counsel for him, and the grant of summary judgment was unwarranted. Having carefully reviewed the record de novo and considered Bumgardner's appellate arguments, we conclude summary judgment was proper for the reasons explained by the district court, see Scheeler v. City of St. Cloud, 402 F.3d 826, 830 (8th Cir. 2005) (standard of review); summary judgment was not granted prematurely, see Ballard v. Heineman, 548 F.3d 1132, 1136-37 (8th Cir. 2008); and the magistrate judge did not abuse his discretion in declining to appoint counsel, see Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.
