

Federal inmate Nicholas Nnaji appeals the district court's¹ dismissal of his civil rights action following an evidentiary hearing. Upon careful review of the record and Nnaji's arguments on appeal, see Choate v. Lockhart, 7 F.3d 1370, 1373 & n.1 (8th Cir. 1993), we find no basis for reversal. Specifically, Nnaji's consent was not required for the magistrate judge to conduct proceedings under 28 U.S.C. § 636(b)(1)(B), and the district court in this case can be presumed to have conducted a de novo review of any disputed portions of the magistrate's findings and recommendations, see United States v. Lothridge, 324 F.3d 599, 600-01 (8th Cir. 2003). We also conclude that judgment in favor of defendants was proper, see Sisneros v. Nix, 95 F.3d 749, 752 (8th Cir. 1996) (inmate claiming retaliation is required to meet substantial burden of proving actual motivating factor for adverse action was as alleged); Choate, 7 F.3d at 1376 (prison officials are liable only for personal involvement in constitutional violation), and that no abuse of discretion occurred with regard to the adequacy of discovery and the denial of Nnaji's request for appointment of counsel, see Nord v. Kelly, 520 F.3d 848, 852 (8th Cir. 2008) (reviewing for abuse of discretion district court's refusal to allow further discovery prior to ruling on motion for summary judgment); Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (standard of review and relevant criteria for decision regarding appointment of counsel in civil case).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Brian S. Miller, 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.