

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

No. 09-3799

DeAngelo Lamont Thomas,

Appellant,

v.

Alford Northern; Gary Rusher; Ray
Hopper; Stephan Clark; Danny
Kirkman; Jonathan Rice; Robert
Hooper; Missouri Department of
Corrections,

Appellees.

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* Appeal from the United States
* District Court for the Eastern
* District of Missouri.
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* [UNPUBLISHED]
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Submitted: June 22, 2010
Filed: June 30, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

In this pro se appeal, Missouri inmate DeAngelo Lamont Thomas challenges the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 suit alleging that the use of pepper spray on him amounted to excessive force. Having carefully reviewed the record de novo, see Nelson v. Shuffman, 603 F.3d 439, 445

¹The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

(8th Cir. 2010) (standard of review), we agree with the district court that the one-time use of pepper spray in these circumstances--Thomas was refusing orders to stop behavior that was deemed to present a security risk--did not violate the Eighth Amendment. Accordingly, we affirm the district court's judgment, see 8th Cir. R. 47B; and we deny Thomas's petition for a writ of prohibition.
