

United States Court of Appeals
For the Eighth Circuit

No. 12-2551

Eddie Briley

Plaintiff - Appellant

v.

Tyra Tyler, Major, W C Dub Brassell Detention Center; (originally sued as Tyra Tylor); David Williams, Deputy, W C Dub Brassell Detention Center; (originally sued only as Williams); Marvin Roberts, Deputy, W C Dub Brassell Detention Center; (originally sued as Roberts); Ed Adams, Captain, W C Dub Brassell Detention Center

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Pine Bluff

Submitted: February 28, 2013

Filed: February 28, 2013

[Unpublished]

Before LOKEN, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Eddie Briley appeals the district court's¹ order dismissing his 42 U.S.C. § 1983 action following a pretrial evidentiary hearing. Upon de novo review, see Sisk v. Picture People, Inc., 669 F.3d 896, 899 (8th Cir. 2012), and having followed the standard that applies when a pretrial hearing is held in the face of a jury-trial demand, see Johnson v. Bi-State Justice Ctr., 12 F.3d 133, 135-36 (8th Cir. 1993), we conclude that dismissal was warranted, see Story v. Norwood, 659 F.3d 680, 686-87 (8th Cir. 2011) (factors in determining whether use of force is excessive).

Accordingly, the judgment of the district court is affirmed.

¹The Honorable D.P. Marshall, Jr., 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.