

United States Court of Appeals
For the Eighth Circuit

No. 12-3053

Mark E. Campbell

Plaintiff - Appellant

v.

Arkansas Department of Correction; Grant Harris, Former Warden, Arkansas Department of Correction; John Whalen, Former Warden, Arkansas Department of Correction; Darryl Golden, Former Deputy Warden, Arkansas Department of Correction; James Banks, Warden, Varner Unit, ADC; Curtis Meizner, Assistant Warden, Varner Unit, ADC; Ravonna Walker, Classification Officer, Varner Unit, ADC; Cherya Jones, Sgt., Varner Unit, ADC; Larry May, Chief Deputy, Arkansas Department of Correction

Defendants - Appellees

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

Submitted: July 30, 2013

Filed: August 8, 2013

[Unpublished]

Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Inmate Mark E. Campbell appeals following the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Upon *de novo* review, *see King v. Iowa Dep't of Corrs.*, 598 F.3d 1051, 1052 (8th Cir. 2010), and careful consideration of Campbell's arguments for reversal, we find no basis for overturning the district court's determination that Campbell exhausted his administrative remedies only as to his failure-to-protect claim against Sergeant Cheryl Jones, *see id.* at 1052 (inmate must complete administrative exhaustion process according to applicable procedural rules as precondition to bringing suit in federal court). As to the grant of summary judgment to Jones, we agree with the district court that there were no trialworthy issues. *See Schoelch v. Mitchell*, 625 F.3d 1041, 1045-46 (8th Cir. 2010) (reviewing *de novo* grant of summary judgment, construing evidence in light most favorable to nonmovant and drawing all reasonable inferences in his favor; discussing requirements to prevail on failure-to-protect claim); *Jackson v. Everett*, 140 F.3d 1149, 1152 (8th Cir. 1998) (in assessing prison official's response to known risk to inmate safety, deliberate indifference is something more than negligence but less than actual intent to harm). The judgment of the district court is affirmed.

¹The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas.