

United States Court of Appeals
For the Eighth Circuit

No. 16-2194

Don Cook

Plaintiff - Appellant

v.

Travis Moore, Correctional Officer, Varner Unit; Randy Watson, Warden, Varner Unit; Lasaundra Malone, Major, Varner Max; Keith Burnett, Coach, Varner Unit; Malcolm Crompton, Sergeant, Varner Unit; A. Thomas, Sergeant, Varner Unit; Grant Harris, Chief Deputy Director, Arkansas Department of Correction; Tarence Whaley, Sergeant, Varner Unit; Brown, Property Sergeant, Varner Unit; Iko, Doctor, Varner Unit; Estella Bland, APN, Cummins Unit; Peyton, Infirmary Manager, Cummins Unit; Wendy Kelley, Director, Arkansas Department of Correction; Gray, Medical Staff, Varner Unit; M. Culclager, Major, Cummins Unit; D. Lewis, Mental Health, Varner Unit; Stephens, Captain, Varner Max; Sharon Williams, Captain, Varner Unit; Shirley Hudson, Sergeant, Cummins Unit; Cher Jones, Sergeant, Varner Unit; F. Washington, Classification Officer, Varner Unit; R. Hutcheson, K9 Unit, Varner Unit; William Warren, Doctor, Cummins Unit; Jamesha Madden, Sergeant, Varner Unit; G. Lay, Warden, Cummins Prison Farm; Moses Jackson, Deputy Warden, Varner Unit; Kennie Bolden, Major, Varner Unit; Jeremy Andrews, Warden, Varner Unit

Defendants - Appellees

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

Submitted: August 4, 2016

Filed: August 9, 2016

[Unpublished]

Before SMITH, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Arkansas inmate Don Cook appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Reviewing de novo the grant of summary judgment, viewing the record in a light most favorable to Cook, and drawing all reasonable inferences in his favor, *see Murchison v. Rogers*, 779 F.3d 882, 886-87 (8th Cir. 2015), and also carefully considering Cook's arguments for reversal, we agree with the district court that he failed to create any jury issues on his claims that Correctional Officer Travis Moore and Sergeant Tarence Whaley failed to protect him from an attack by other inmates, *see Walls v. Tadman*, 762 F.3d 778, 782-83 (8th Cir. 2014) (discussing requirements to establish failure-to-protect claim).² Accordingly, the judgment of the district court is affirmed, *see* 8th Cir. R. 47B, and Cook's pending motion for counsel is denied.

¹The Honorable Brian S. Miller, Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable Joe J. Volpe, United States Magistrate Judge for the Eastern District of Arkansas.

²Cook has waived his remaining claims by not addressing them in his appellate filing wherein he seeks reversal of the dismissal of his lawsuit. *See Hess v. Ables*, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013).