

United States Court of Appeals
For the Eighth Circuit

No. 16-2760

James E. Whitney,

Plaintiff - Appellant,

v.

Washington County Detention Center,

Defendant,

Sergeant Morse; Whittington, Sergeant; Nurse Rhonda Bradley; Corporal Foster;
Corporal Mulvaney; Deputy Workman; Sheriff Tim Helder; Detective Y. Schrock;
Aramark Correctional Services, LLC; Deputy Shepherd; Deputy Weissrock,
revised from Deputy Weiss Brock per Order dated 8/11/2015; Deputy McNelly,
revised from Deputy McNally per Order dated 8/11/2015,

Defendants - Appellees.

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: October 6, 2017

Filed: October 11, 2017

[Unpublished]

Before WOLLMAN, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, James Whitney claimed that defendants committed various constitutional violations in their treatment of him while he was confined as a pretrial detainee at the Washington County Detention Center in Arkansas. The district court¹ granted defendants summary judgment, and Whitney appeals. We conclude that although Whitney had a constitutional right to nutritionally adequate food, he received three acceptable meals per day on all but about seven occasions, and his weight loss over the course of a few months was a small part of his documented three-year weight loss on a diabetic, gluten-free diet. The evidence thus did not support a finding that defendants were deliberately indifferent to his nutritional needs. *See Ingrassia v. Schafer*, 825 F.3d 891, 897 (8th Cir. 2016). Because Whitney did not establish that defendants otherwise violated his constitutional rights, we affirm for the reasons given in the magistrate judge's report, adopted by district court. *See* 8th Cir. R. 47B. Whitney's motion for default judgment is denied.

¹The Honorable P.K. Holmes, III, Chief Judge for the United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable Erin Wiedemann, United States Magistrate Judge for the Western District of Arkansas.