

United States Court of Appeals
For the Eighth Circuit

No. 23-1011

James M. Raper, Jr.

Plaintiff - Appellant

v.

Tina Maxwell, Treatment Supervisor, Southwest Arkansas Community Correction
Center; Warden J. Minors, Southwest Arkansas Community Correction Center

Defendants - Appellees

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

Submitted: April 5, 2023

Filed: April 10, 2023

[Unpublished]

Before KELLY, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

James Raper, Jr., appeals the district court's¹ dismissal of his complaint against prison officials for failing to provide enough exercise time. Having carefully

¹The Honorable Susan O. Hickey, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of

reviewed the record and the parties' arguments on appeal, we conclude that qualified immunity applies. *See* Fed. R. Civ. P. 12(b)(6); *Kulkay v. Roy*, 847 F.3d 637, 641–42 (8th Cir. 2017) (reviewing the failure to state a claim de novo and explaining that a right must be clearly established for an alleged violation to defeat qualified immunity). We accordingly affirm the judgment of the district court. *See* 8th Cir. R. 47B.

the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas.