



the record. Despite several subsequent requests, Birkhahn did not provide Ayers the certified record until September 1994.

The district court granted defendants summary judgment, concluding that Ayers failed to show Birkhahn's actions prejudiced him as the Arkansas Supreme Court held Ayers would not have prevailed on appeal even if the record had been timely lodged. See Ayers v. State, No. CR 94-1221, 1994 WL 721878 (Ark. Dec. 19, 1994) (denying Ayers's motion to lodge record belatedly and determining Ayers's state post-conviction petition was untimely filed under Arkansas Rule of Criminal Procedure 37).

We review a grant of summary judgment de novo. See Earnest v. Courtney, 64 F.3d 365, 366 (8th Cir. 1995) (per curiam). The district court correctly concluded Ayers failed to produce evidence of prejudice to support his claim of denial of meaningful access to the courts; whether Birkhahn filed the certified record in Ayers's appeal was of no consequence given the Arkansas Supreme Court's determination that Ayers's post conviction petition was untimely. See Sterling v. Wood, 68 F.3d 1124, 1126 (8th Cir. 1995) (successful claim for denial of meaningful access to the courts requires showing of prejudice); 28 U.S.C. § 1738 (this court gives full faith and credit to state court judgment). We also note Ayers's bare allegation that the County did not properly train or supervise Birkhahn cannot support a constitutional claim. See City of Canton, Ohio v. Harris, 489 U.S. 378, 388-92 (1989).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.