

K. D. Millerd, originally sued as Sgt. *
Miller, *
*
Appellees. *

Submitted: February 6, 1998
Filed: February 23, 1998

Before FAGG, BEAM, and HANSEN, Circuit Judges.

PER CURIAM.

Jerry X. Ellis appeals the district court's¹ judgment dismissing his 42 U.S.C. § 1983 action. In his complaint, Ellis alleged defendants violated his constitutional rights by failing to provide him with evening meals during the month of Ramadan in 1994. After a bench trial, the court found that the evidence was in equipoise and that Ellis thus had not met his burden of proof. Accepting the trial court's factual findings and evidentiary rulings as correct, *see* Fed. R. App. P. 10(b)(2); Van Treese v. Blome, 7 F.3d 729, 729 (8th Cir. 1993) (per curiam); Schmid v. United Brotherhood of Carpenters & Joiners, 827 F.2d 384, 386 (8th Cir. 1987) (per curiam), cert. denied, 484 U.S. 1071 (1988), we conclude the district court's judgment was correct. Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

A true copy.

Attest:

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