

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-4225

Timothy L. Nelson,

Appellant,

v.

Benton County Sheriff's Department;
Jarred Debus; Tracy Brown; Rick
Pound; Fabien Rutherford,

Appellees.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: March 13, 1998

Filed: March 23, 1998

Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

PER CURIAM.

Timothy L. Nelson appeals from the district court's¹ dismissal of his 42 U.S.C. § 1983 action following an evidentiary hearing before a magistrate judge. Nelson

¹The Honorable H. Franklin Waters, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendation of the Honorable Beverly R. Stites, United States Magistrate Judge for the Western District of Arkansas.

alleged in his complaint that defendants failed to protect him from an assault by other inmates while he was attending an Alcoholics Anonymous meeting. Having carefully reviewed the record and the parties' submissions on appeal, we conclude that the district court did not err in dismissing this action. Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

We deny Nelson's motion for appointment of appellate counsel.

A true copy.

Attest:

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