

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3634

James Spann,

Appellant,

v.

James Purkett, Superintendent, FCC;
Mike Gann, CCA, Farmington
Correctional Center; Don Smith, CCA,
Farmington Correctional Center;
Gordon Lewis, Lt., Farmington
Correctional Center; Marvin Johnson,
CO 1, Farmington Correctional Center,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Missouri.
[UNPUBLISHED]

Submitted: May 6, 1998
Filed: May 11, 1998

Before BOWMAN, Chief Judge, WOLLMAN, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

Missouri inmate James Spann appeals the district court's¹ grant of summary judgment in favor of defendants in his 42 U.S.C. § 1983 action. After careful review of the record and the parties' submissions, we conclude that the district court properly granted defendants summary judgment on Spann's failure-to-protect claim, as Spann failed to produce evidence from which a jury could conclude that defendants acted with deliberate indifference to a substantial risk of harm from other inmates. See Jackson v. Everett, No. 97-2359, 1998 WL 156395, slip op. at 3 (8th Cir. Apr. 7, 1998). Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

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

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.