

Larry L. Christiansen appeals the district court's¹ order granting defendant prison officials summary judgment in his 42 U.S.C. § 1983 action. As relevant to this appeal, Christiansen claimed defendants transferred him from the Omaha Correctional Center (OCC) to the Hastings Correctional Center (HCC), both minimum security facilities, in retaliation for his refusal to participate in mental health programming for sex offenders, despite his right under a prison regulation to refuse such treatment. Defendants offered evidence in support of summary judgment establishing that Christiansen was transferred pursuant to a policy designed to make needed space available at OCC for inmates who wished to participate in certain programming, and to utilize open space at HCC, where no such programming was available. Christiansen did not rebut defendants' evidence establishing that his transfer was motivated by rational, legitimate penological reasons. See Sisneros v. Nix, 95 F.3d 749, 752 (8th Cir. 1996). Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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

¹The Honorable Thomas M. Shanahan, United States District Judge for the District of Nebraska.