

Before WOLLMAN, HANSEN, and KELLY, Circuit Judges.

PER CURIAM.

Michael Hodges, an Arkansas inmate, appeals from the district court's¹ dismissal of his 42 U.S.C. § 1983 action following an evidentiary hearing. Hodges claimed that the defendants failed to protect him from a sexual assault by another inmate, and used excessive force against him on two occasions, while he was a pretrial detainee at the Pulaski County Regional Detention Center. Having reviewed the record, we conclude that dismissal was proper because Hodges failed to offer evidence that the defendants' response to the threat of harm to Hodges was unreasonable, see Farmer v. Brennan, 511 U.S. 825, 837, 844 (1994), or that the defendants' use of force against Hodges amounted to punishment, see Graham v. Conner, 490 U.S. 386, 395 & n.10 (1989). We also conclude that the district court did not abuse its discretion in denying Hodges additional witnesses. Cf. Williams v. Carter, 10 F.3d 563, 566 (8th Cir. 1993) (decision to grant or deny subpoenas for indigent parties pursuant to 28 U.S.C. § 1915(c) is within discretion of trial court). Accordingly, the judgment is affirmed.

A true copy.

Attest:

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

¹The Honorable H. David Young, 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).