

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-2354

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Lenzy McCullough,

Appellant,

v.

M. D. Reed, Arkansas Department of  
Correction,

Appellee.

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

[UNPUBLISHED]

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Submitted: April 7, 1999  
Filed: April 12, 1999

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Before RICHARD S. ARNOLD, WOLLMAN, and BEAM, Circuit Judges.

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PER CURIAM.

Arkansas inmate Lenzy McCullough appeals from the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 suit against M. D. Reed, Warden at the Cummins Unit of the Arkansas Department of Correction. McCullough alleged that he was exposed to asbestos when a maintenance crew cut into concrete in his barracks, and he claimed

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<sup>1</sup>The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable John F. Forster, United States Magistrate Judge for the Eastern District of Arkansas.

that Reed was deliberately indifferent to his health and safety. Having carefully reviewed the record and the parties' briefs, we conclude that the district court properly dismissed the complaint because McCullough failed to allege facts from which an inference could be drawn that Reed knew McCullough was at risk of being exposed to asbestos dust. See Prater v. Dahm, 89 F.3d 538, 541 (8th Cir. 1996) (correctional officers entitled to dismissal because inmate alleged no facts supporting inference that they actually knew of risk to inmate).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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