

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

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No. 10-2862

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Darwin Burnett Walden,

Appellant,

v.

Charlie Higgins; Andrea Wright;  
Marie Carter; Charlie Harper;  
Michael Rupe,

Appellees.

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\* Appeal from the United States  
\* District Court for the Southern  
\* District of Iowa.  
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\* [UNPUBLISHED]  
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Submitted: January 12, 2011  
Filed: January 14, 2011

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Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

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PER CURIAM.

Iowa inmate Darwin Walden challenges the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 retaliatory-discipline action against prison officials. Following careful de novo review, *see Johnson v. Hamilton*, 452 F.3d 967, 971 (8th Cir 2006) (standard of review), we agree with the district court that Walden's claim failed. Defendants presented evidence that Walden was disciplined for an actual

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<sup>1</sup>Ronald E. Longstaff, United States District Judge for the Southern District of Iowa.

rule violation, and we find nothing indicating that the decisionmaker was not impartial. See Hartsfield v. Nichols, 511 F.3d 826, 829, 831 (8th Cir. 2008) (defendant may successfully defend retaliatory-discipline claim by showing “some evidence” that discipline was imposed for actual rule violation; report from correctional officer, even if disputed by inmate and supported by no other evidence, suffices as “some evidence” if violation is found by impartial decisionmaker). Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

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