

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3375

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Devin Alex Phillip Pendleton

*Plaintiff - Appellant*

v.

Jean Finley, APN

*Defendant - Appellee*

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Appeal from United States District Court  
for the Western District of Arkansas - Ft. Smith

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Submitted: June 7, 2013

Filed: June 14, 2013

[Unpublished]

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Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Inmate Devin Alex Phillip Pendleton appeals the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 action following a bench trial.<sup>2</sup> Pendleton offers no valid basis for reversal, and we find none. See Fowler v. LAC Minerals (USA), LLC, 694 F.3d 930, 933 (8th Cir. 2012) (reviewing for clear error fact finding and reviewing de novo legal conclusions and mixed questions of law and fact); Richardson v. Sugg, 448 F.3d 1046, 1052 (8th Cir. 2006) (due regard must be afforded to trial court's judgment of witness credibility). The judgment of the district court is affirmed.

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<sup>1</sup>The Honorable James R. Marschewski, United States Magistrate Judge for the Western 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).

<sup>2</sup>Appellee correctly notes that Pendleton did not order a trial transcript, but a recording of the bench trial was available for review.