

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3569

Richard A. Mathis,

Appellant,

v.

John Mathes; William Sperfslage;
John Emmett; Ronald Welder; John
Spence; Dennis Brumbaugh; Roger
Lawson; Charles Harper; Ruth
Stockbridge; Dave Foehring,

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* [UNPUBLISHED]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 18, 2006
Filed: March 20, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Richard A. Mathis appeals the district court's¹ grant of summary judgment in his 42 U.S.C. § 1983 action. Having reviewed the record, this court agrees that Mathis's bare assertions – without the support of exhibits, affidavits or sworn

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

statements – do not establish a genuine issue of material fact. *See* Fed. R. Civ. P. 56(c), (e); *Janis v. Biesheuvel*, 428 F.3d 795, 799 (8th Cir. 2005); *Murphy v. Mo. Dep't of Corr.*, 372 F.3d 979, 982 (8th Cir. 2004) (de novo standard of review). Furthermore, the district court did not abuse its discretion in declining to appoint counsel because it cited a case outlining the requisite factors, which it considered in determining there would be no fundamental injustice. *See Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996). Finally, the district court is under no obligation to give pro se prisoners notice of summary judgment requirements. *See Beck v. Skon*, 253 F.3d 330, 333 (8th Cir. 2001).

Thus, for the reasons explained in the district court's opinion, this court affirms. *See* 8th Cir. R. 47B.
