

United States Court of Appeals
For the Eighth Circuit

No. 12-3843

Jeffrey Scott Ratchford; Charles E. Butler; Robert R. Heffernan; Dellemond Cunningham

Plaintiffs - Appellants

v.

Gladys M. Evans, Program Specialist, Varner Unit, ADC; Barbara Smallwood,
Business Manager, Varner Unit, ADC; James Banks, Warden, Varner Unit, ADC;
Ray Hobbs, Director, Arkansas Department of Correction

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Pine Bluff

Submitted: October 30, 2013
Filed: November 1, 2013
[Unpublished]

Before LOKEN, BYE, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmates Jeffrey Scott Ratchford, Charles E. Butler, Robert R. Heffernan, and Dellemond Cunningham appeal following the district court's¹ adverse grant of summary judgment in their 42 U.S.C. § 1983 action. Upon de novo review, see Sutherland v. Mo. Dep't of Corr., 580 F.3d 748, 750 (8th Cir. 2009), we agree with the district court that a jury would be unable to conclude, from the evidence offered below, that the named defendants interfered with appellants' right of access to the courts, or engaged in retaliatory acts against them, see Santiago v. Blair, 707 F.3d 984, 991 (8th Cir. 2013) (discussing retaliation claims); Bandy-Bey v. Crist, 578 F.3d 763, 765 (8th Cir. 2009) (per curiam) (discussing access-to-courts claims).

The remaining challenged orders—rulings on motions regarding discovery, appointment of counsel, and to supplement the complaint—are not properly before us. This is because the magistrate judge entered these orders, and appellants did not thereafter submit the orders to the district court for review. See LeGear v. Thalacker, 46 F.3d 36, 36-37 (8th Cir. 1995) (per curiam) (magistrate judge's decision issued absent consent requires initial review by district court). Finally, we decline to address the new matters raised on appeal. See Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004).

The judgment of the district court is affirmed.

¹The Honorable D.P. Marshall, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.