

United States Court of Appeals
For the Eighth Circuit

No. 17-1742

John L. Williams

Plaintiff - Appellant

Edward H. Pennington, Jr.; Anthony L. Nevels

Plaintiffs

v.

Jackie Robinson, JCDC Manager; Ken Conlee, JCDC Director; Gary Morrow,
JCDC Mailroom Supervisor; Baldree, Lieutenant; Bowden, JCDC Mailroom Employee

Defendants

MO Jackson County

Defendant - Appellee

Paul Smith, Sergeant; County Executive Mike Sanders, Jackson County Executive

Defendants

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 12, 2019

Filed: May 14, 2019

[Unpublished]

Before SHEPHERD, KELLY, and GRASZ, Circuit Judges.

PER CURIAM.

John Williams, an inmate formerly confined in the Jackson County Detention Center in Kansas City, Missouri, appeals the adverse judgment entered by the district court¹ following a jury trial in his 42 U.S.C. § 1983 action challenging the prison's mail policy. Having carefully reviewed the parties' arguments on appeal, we find no basis for reversal. We conclude that the district court did not abuse its discretion by submitting the issues to the jury, see PFS Distrib. Co. v. Raduechel, 574 F.3d 580, 596 (8th Cir. 2009) (jury instructions are reviewed for abuse of discretion); Henderson v. Terhune, 379 F.3d 709, 712 (9th Cir. 2004) (whether regulation impermissibly restricts First Amendment rights under Turner v. Safley, 482 U.S. 78 (1987) is mixed question of law and fact; legitimacy of asserted penological interest is a finding of fact); or by admitting evidence of Williams's prior convictions, see United States v. Has No Horse, 11 F.3d 104, 106 (8th Cir. 1993) (admissibility of evidence is reviewed for abuse of discretion). We further conclude that Williams failed to preserve his sufficiency-of-the-evidence argument at trial, see Unitherm Food Sys. v. Swift-Eckrich, Inc., 546 U.S. 394, 400-01 (2006) (in absence of post-verdict motion under Fed. R. Civ. P. 50(b), appellate court lacks power to direct district court to enter judgment contrary to that permitted to stand); and we reject his argument that Jackson County presented inconsistent arguments about its mail policy. Accordingly, the judgment is affirmed, see 8th Cir. R. 47B, and the pending motion is denied.

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.