

**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 U.S. District Court for the Western District of Missouri - Kansas City
(4:13-cv-00866-BCW)

JUDGMENT

Before SHEPHERD, KELLY, and GRASZ, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

May 14, 2019

THE UNITED STATES OF AMERICA
DO hereby certify that
[Name] is a [Type of Person]
of the County of [County Name] State of [State Name]

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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Defendants

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Defendant - Appellee

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

Submitted: April 12, 2019

Filed: May 14, 2019

[Unpublished]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

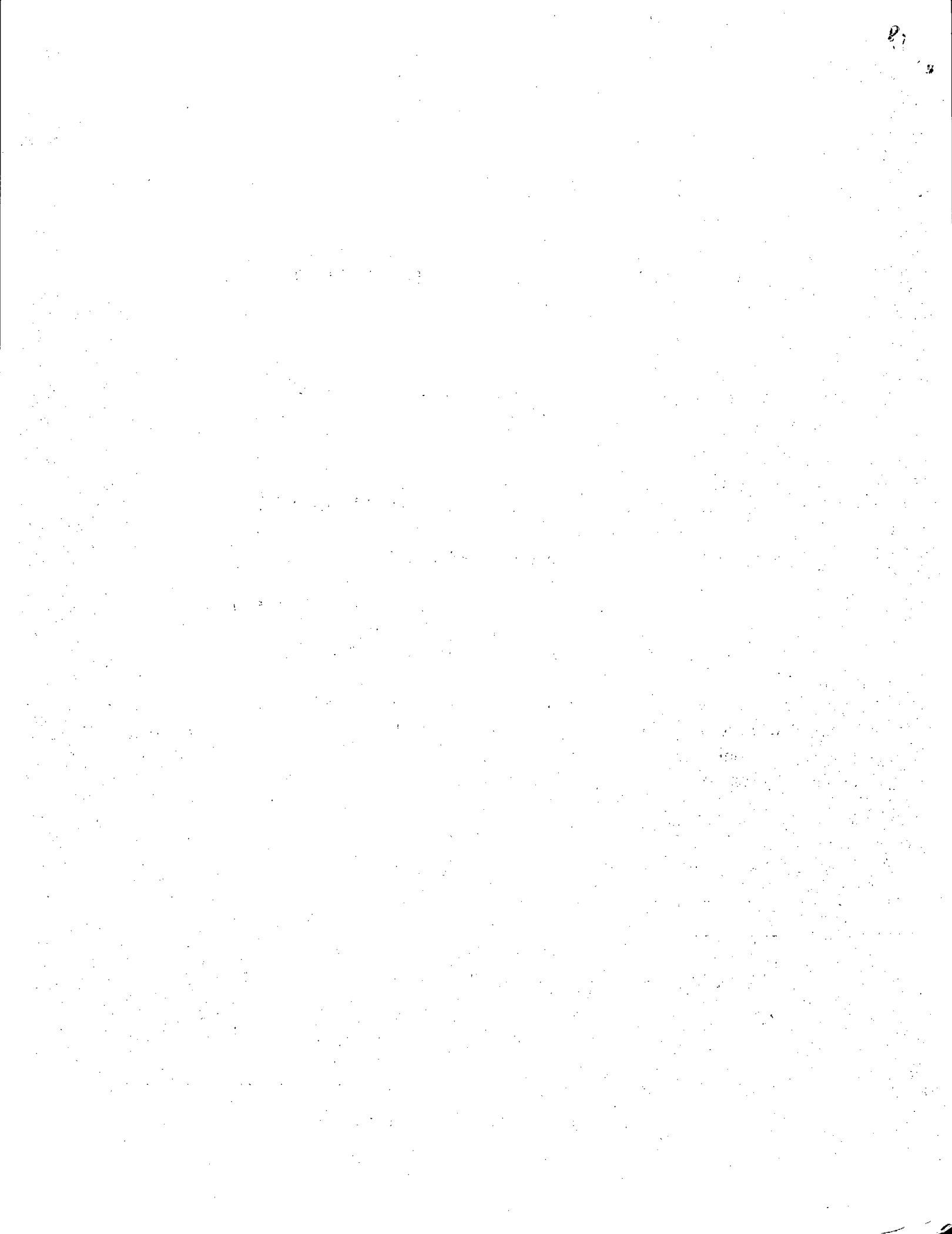
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Before SHEPHERD, KELLY, and GRASZ, Circuit Judges.

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.



IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JOHN L. WILLIAMS,

Plaintiff,

v.

JACKSON COUNTY, MISSOURI,

Defendant.

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) Case No. 13-000866-CV-W-BCW
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JUDGMENT IN A CIVIL CASE

X Jury Verdict. This action came before the Court for a trial by jury.

IT IS ORDERED AND ADJUDGED that JUDGMENT is entered in accordance with the
jury verdict (Doc. # 170) filed March 22, 2017.

AT THE DIRECTION OF THE COURT

March 23, 2017

Dated

/s/Paige Wymore-Wynn

Court Executive

March 22, 2017

Entered

By: Joella Baldwin

Deputy Clerk

VERDICT FORM

Note: Complete this form by writing in the names required by your verdict.

On Plaintiff John Williams' claim against Defendant Jackson County, Missouri, as submitted in Instruction 14, we find in favor of:

Defendant Jackson County Missouri
(Plaintiff John Williams) or (Defendant Jackson County, Missouri)

On Plaintiff John Williams' claim against Defendant Jackson County, Missouri, as submitted in Instruction 15, we find in favor of:

Defendant Jackson County Missouri
(Plaintiff John Williams) or (Defendant Jackson County, Missouri)

Note: Complete the following paragraphs only if either of the above findings is in favor of the Plaintiff.

We find Plaintiff John Williams' damages to be:

\$_____ (state the nominal amount of \$1.00).



Foreperson

Dated: 3-22-17