

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 98-1843

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Joseph Scott Blackburn,

Appellant,

v.

Steve Whitney, Sheriff; Joe Nelson,  
Commissioner; Bill Barnett,  
Commissioner; Tom Chudomelka,  
Commissioner; James Eiffert, Judge;  
Mark Orr, Prosecuting Attorney,

Appellees.

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Appeal from the United States  
District Court for the  
Western District of Missouri.

[UNPUBLISHED]

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Submitted: February 7, 2000  
Filed: February 15, 2000

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Before RICHARD S. ARNOLD, BOWMAN, and BEAM.

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PER CURIAM.

Joseph Scott Blackburn appeals from the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 action without prejudice for failure to comply with the court's order to address Sheriff Steve Whitney's dismissal motion. Having reviewed the record and the

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<sup>1</sup>The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

parties' briefs, we conclude that the district court did not abuse its discretion. See Rodgers v. Curators of Univ. of Missouri, 135 F.3d 1216, 1219 (8th Cir. 1998) (standard of review); Edgington v. Missouri Dept. of Corrections, 52 F.3d 777, 779-80 (8th Cir. 1995) (fact that dismissal for failure to comply with orders was without prejudice militates against finding abuse of discretion).

We deny Blackburn's pending motions, as the arguments he raises in them were not presented to the district court. See Schafer v. Moore, 46 F.3d 43, 45 (8th Cir. 1995).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.