

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

No. 00-1103MN

Roger Clausen,

Appellant,

v.

North Central Blood Services, formerly
known as St. Paul Regional Blood
Services, a division of the American
Red Cross, a foreign corporation;
Immanuel-St. Joseph's Hospital, a
division of the Mayo Health System,

Appellees.

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* On Appeal from the United
* States District Court
* for the District of
* Minnesota.
* [Not To Be Published]
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Submitted: December 28, 2000

Filed: January 9, 2001

Before RICHARD S. ARNOLD, HANSEN, and BYE, Circuit Judges.

PER CURIAM.

Roger Clausen appeals from the District Court's¹ grant of summary judgment to defendants in his action against North Central Blood Services and Immanuel-St.

¹The Hon. James M. Rosenbaum, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Hon. Franklin L. Noel, Chief Magistrate Judge for the District of Minnesota.

Joseph's Hospital under theories of negligence, strict liability, breach of warranty, and negligent misrepresentation.

To establish each of his pleaded claims, Clausen had to demonstrate that contaminated blood was the proximate cause of his injury. After de novo review, we conclude the judgment was proper because the uncontroverted evidence clearly demonstrated an absence of causation. See Dulany v. Carnahan, 132 F.3d 1234, 1237 (8th Cir. 1997) (standard of review); Smith v. Brutger Co., 569 N.W.2d 408, 423-14 (Minn. 1997) (negligent misrepresentation); Johnson v. Minnesota, 553 N.W.2d 40, 49 (Minn. 1996) (negligence); Drager by Gutzman v. Aluminum Indus. Corp., 495 N.W.2d 879, 882 (Minn. App. 1993) (strict products liability); Craft Tool & Die Co. v. Payne, 385 N.W.2d 24, 26 (Minn. App. 1986) (breach of warranty). We also conclude the District Court did not abuse its discretion in denying Clausen's motion for a continuance. See Dulany, 132 F.3d at 1238 (standard of review); United States v. Light, 766 F.2d 394, 397-98 (8th Cir. 1985) (per curiam) (nonmoving party must show that opposition is meritorious, and must affirmatively demonstrate how postponement of ruling will enable him to rebut moving party's showing of absence of genuine issue of fact).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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