

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-2687

Ralph Jack Hobbs,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the Southern
v.	*	District of Iowa.
	*	
City of Burlington,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: April 11, 2001

Filed: April 18, 2001

Before BOWMAN and FAGG, Circuit Judges, and CARMAN,* Judge.

PER CURIAM.

After the City of Burlington eliminated on-street parking next to his rental property under a federally-funded lane expansion project, Ralph Jack Hobbs brought this civil rights action against the City alleging the City's agreement to use federal funds constituted a contract for public works improvement, which required a public hearing under Iowa Code § 384.102, and that without a hearing on the agreement between the City and the Iowa Department of Transportation, Hobbs was denied due process. The

*The Honorable Gregory W. Carman, Chief Judge, United States Court of International Trade, sitting by designation.

district court** concluded Hobbs did not state a federal due process claim, and did not have a liberty or property interest in public parking. Hobbs has filed two opening briefs on appeal, arguing the district court erroneously granted summary judgment.

We decline to consider Hobbs's opening pro se brief filed after the brief prepared by Hobbs's attorney. We do not consider pro se briefs filed by parties represented by counsel. See United States v. Peck, 161 F.3d 1171, 1174 n.2 (8th Cir. 1998). Also, Hobbs's pro se brief does not comply with Federal Rules of Appellate Procedure 28 and 32, or with Eighth Circuit Rule 28A. Likewise, we deny Hobbs's motion to file a pro se reply brief. Having rejected Hobbs's opening pro se brief, we deny the City's motion for sanctions of attorney's fees and costs based on the brief's filing. Indeed, the City's brief responding to the pro se brief is virtually identical to the City's brief responding to the brief filed by Hobbs's attorney.

Turning to Hobbs's contentions on appeal, we agree with the district court that Hobbs failed to state a claim for denial of his federal due process rights, and that Hobbs was not denied a liberty or property interest by the elimination of public parking. We affirm for the reasons stated by the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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

**The Honorable Charles R. Wolle, then Chief Judge, United States District Court for the Southern District of Iowa.