

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

No. 00-2232NE

Robert J. Prokop, M.D.,

Appellant,

v.

USDA, United States of America,
acting by and through the United
States Department of Agriculture and
Farm Service Agency,

Appellee.

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* On Appeal from the United
* States District Court
* for the District of
* Nebraska.
* [Not To Be Published]
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Submitted: April 30, 2001

Filed: May 10, 2001

Before MORRIS SHEPPARD ARNOLD, RICHARD S. ARNOLD, and FAGG,
Circuit Judges.

PER CURIAM.

Robert Prokop appeals from the District Court's¹ decision affirming the United States Department of Agriculture's classification of his property as "farmed wetland pasture." For the reasons explained in the District Court's thorough opinion, we

¹The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

conclude substantial evidence in the record supports the agency's finding that the property met the criteria for farmed wetland pasture. The agency's decision was not arbitrary or capricious. See 7 C.F.R. § 12.2(a) (2001) (definition of farmed wetland pasture); Downer v. United States, 97 F.3d 999, 1002 (8th Cir. 1996) (per curiam) (court looks to whether agency considered all factors Congress intended it to consider, whether agency considered factors Congress did not intend it to consider, and whether there is lack of rational connection between facts found and decision made). We have considered Prokop's due process arguments and conclude that they fail, also for the reasons laid out in the District Court's opinion.

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

A true copy.

Attest:

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