

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

No. 00-2857EA

Marsett Stevenson,

Appellant,

v.

Alan Bartlo, in his individual and
official capacity; Chris Witter, in his
individual and official capacity; Mike
Holmes, in his individual and official
capacity,

Appellees.

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* On Appeal from the United
* States District Court
* for the Eastern District
* of Arkansas.
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* [Not To Be Published]
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Submitted: April 26, 2001

Filed: May 7, 2001

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

PER CURIAM.

Marsett Stevenson brought an employment discrimination action. After defendants reminded Stevenson three times of the date chosen for his deposition, he failed to appear for the deposition. Defendants moved to dismiss the complaint as a

sanction; Stevenson did not respond. The District Court¹ then ordered Stevenson to pay the costs of the deposition within fifteen days or suffer dismissal. When that period passed without Stevenson's payment or response, the Court dismissed the case with prejudice. Stevenson appeals. We conclude the District Court did not abuse its discretion in dismissing Stevenson's complaint. See Fed. R. Civ. P. 37(d); Schoffstall v. Henderson, 223 F.3d 818, 823 (8th Cir. 2000) (standard of review); Aziz v. Wright, 43 F.3d 587, 589 (8th Cir. 1994) (Rule 37(d) authorizes dismissal if party fails to appear for his deposition), cert. denied, 513 U.S. 1090 (1995).

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

A true copy.

Attest:

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

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.