

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

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No. 02-1737

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Ronald Mitchell,

Appellant,

v.

Sgt. Kirk, Pulaski County Regional  
Detention Facility; Sgt. M. Yates,  
Pulaski County Regional Detention  
Facility; Gerald Bennett, Deputy,  
Pulaski County Regional Detention  
Facility,

Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.  
[UNPUBLISHED]

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Submitted: September 4, 2002  
Filed: September 10, 2002

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Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Ronald Mitchell appeals the district court's<sup>1</sup> order dismissing his 42 U.S.C. § 1983 action with prejudice upon Mitchell's refusal to participate in his trial.

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<sup>1</sup>The Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

Although Mitchell was displeased with the district court's pretrial rulings to exclude certain witnesses and documentary evidence, we find no abuse of discretion in the district court's refusal to grant Mitchell's pro se request, on which his counsel did not comment, for a continuance. See Rydder v. Rydder, 49 F.3d 369, 373 (8th Cir. 1995) (standard of review). Given the denial of Mitchell's request for a continuance and his refusal to participate at trial, we conclude the district court was left with little choice and did not abuse its discretion in following through with its admonishment that Mitchell's refusal to participate would result in the dismissal of his case. See Rodgers v. Curators of Univ. of Mo., 135 F.3d 1216, 1219 (8th Cir. 1998) (standard of review).

Accordingly, we affirm.

A true copy.

Attest:

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