

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

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No. 02-3009

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Franks Construction, Inc.,

Appellant,

v.

Heber Springs, Arkansas;  
Ed Roper, Mayor, in his  
official capacity,

Appellees.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Arkansas.  
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\* [UNPUBLISHED]  
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Submitted: April 2, 2003  
Filed: April 16, 2003

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Before MELLOY, FAGG, and SMITH, Circuit Judges.

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PER CURIAM.

Franks Construction, Inc. (Franks) appeals the district court's<sup>1</sup> adverse judgment after a bench trial, of its 42 U.S.C. § 1983 complaint, in which Franks claimed that the City of Heber Springs, Arkansas, violated its substantive due process rights by failing to award Franks a construction contract after it submitted the lowest bid. Having carefully reviewed the record and the parties' briefs, we conclude that

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

the district court's decision was proper. See County of Sacramento v. Lewis, 523 U.S. 833, 847 (1998). We also conclude that the district court did not abuse its discretion in denying Franks's postjudgment motion.

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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