

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1317

John Cutts; Dionne Cutts,

Appellants,

v.

Lincoln Finance Company; County
of St. Louis, Missouri; Schweig
Engel Corporation; Able Locksmiths,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: June 18, 2003
Filed: September 30, 2003

Before MORRIS SHEPPARD ARNOLD, BYE, and RILEY, Circuit Judges.

PER CURIAM.

John and Dionne Cutts (Cutts) appeal the district court's¹ adverse grant of summary judgment, and the subsequent denial of Federal Rule of Civil Procedure 60(b) relief, in their 42 U.S.C. § 1983 action. Upon careful de novo review of the record, we conclude the district court properly dismissed all defendants for the reasons explained by the district court. We further find (1) any error in the district

¹The Honorable Donald J. Stohr, United States District Judge for the Eastern District of Missouri.

court's mootness dismissal of the Cutts's summary judgment motion was harmless; (2) Cutts requested dismissal of their motion for direct answers and sanctions, and thus cannot complain that the district court did not grant sanctions; and (3) the district court did not abuse its discretion in denying Rule 60(b) relief. See Swope v. Siegel-Robert, Inc., 243 F.3d 486, 498 (8th Cir.), cert. denied, 534 U.S. 887 (2001).

Finally, Cutts's remaining arguments are raised for the first time on appeal, including first in their reply brief. Thus, we find these matters are not properly before us.
