

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

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No. 05-3979

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Timothy Carmine Muccilli,

Appellant,

v.

Joel Bos; Norman J. Loren; Mark  
Mansavage; John K. Carlson,

Appellees.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: October 31, 2006  
Filed: November 2, 2006

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Before MURPHY, BYE, and MELLOY, Circuit Judges.

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PER CURIAM.

Timothy Muccilli appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 lawsuit. Having conducted de novo review, we conclude that summary judgment was proper. See Lee v. Spellings, 447 F.3d 1087, 1088-89 (8th Cir. 2006) (grant of summary judgment may be affirmed on any basis

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

supported by record); Lommen v. City of East Grand Forks, 97 F.3d 272, 274 (8th Cir. 1996) (standard of review). Accordingly, we affirm.

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