

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

No. 05-3721

Gregory R. Swecker,

Appellant,

v.

Mike Johanns, in his official capacity
as the Secretary of the United States
Department of Agriculture,

Appellee.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: January 24, 2007
Filed: January 29, 2007

Before RILEY, MAGILL, and MELLOY, Circuit Judges.

PER CURIAM.

Gregory Swecker appeals from the district court's¹ order granting defendant's motion to dismiss under Federal Rule of Civil Procedure 12(b)(1). Following careful de novo review, see Green Acres Enters., Inc. v. United States, 418 F.3d 852, 856 (8th Cir. 2005), we agree that dismissal of Swecker's complaint was proper for the reasons stated by the district court. Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Robert W. Pratt, Chief Judge, United States District Court for the Southern District of Iowa.