

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

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No. 05-4016

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John Miles, Sr.

Appellant,

v.

Sue Dosal, Mark Thompson,  
Lynn Lahd,

Appellees.

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

[UNPUBLISHED]

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Submitted: March 5, 2007  
Filed: March 12, 2007

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Before SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

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PER CURIAM.

John Miles appeals the district court's<sup>1</sup> adverse grant of summary judgment in this 42 U.S.C. § 1983 action. Miles alleged that a jury questionnaire used by Hennepin County contained an "impermissible race factor," thereby causing African-Americans to be disproportionately underrepresented on and systematically excluded from grand and petit juries, in violation of his and other African-Americans' equal

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<sup>1</sup>The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Janie S. Mayeron, United States Magistrate Judge for the District of Minnesota.

protection rights. Having carefully reviewed the record, we agree with the district court that, while equal opportunity to serve on juries remains an important right, the evidence in this case did not establish a prima facie case for a jury-selection equal protection claim. Specifically, as explained in detail in the magistrate judge's comprehensive report, which the district court adopted, the undisputed evidence did not show that African-Americans were substantially underrepresented in jury pools over a significant period of time, or that the random juror selection process in Hennepin County is susceptible of abuse or not racially neutral. Indeed, the record evidence supports the contrary conclusion. See Floyd v. Garrison, 996 F.2d 947, 949 (8th Cir. 1993) (elements of prima facie case). We also conclude that the district court did not abuse its discretion in denying Miles's discovery request. See Robinson v. Potter, 453 F.3d 990, 994-95 (8th Cir. 2006) (reversal of denial of motion to compel discovery is warranted only if ruling amounted to gross abuse of discretion).

Accordingly, we affirm. See 8th Cir. R. 47B.

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