

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

No. 06-3707

Patrick Fitzgerald Ester,

Appellant,

v.

Agent Daniel Paul Faflak, Jr.;
Detective David Sebesta,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: October 3, 2007
Filed: October 12, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

Patrick Fitzgerald Ester appeals the district court's¹ adverse grant of summary judgment based on qualified immunity. We have carefully reviewed the record and considered Ester's arguments for reversal. See Robinette v. Jones, 476 F.3d 585, 590-91 (8th Cir. 2007) (de novo standard of review). We agree with the district court that the question whether defendants reasonably believed their actions violated the Fourth

¹The Honorable Patrick J. Schiltz, 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.

Amendment turns on the objective reasonableness of their conduct and not on their subjective intent. See McClendon v. Story County Sheriff's Office, 403 F.3d 510, 515-16 & n.4 (8th Cir. 2005) (officer's subjective intent is never relevant under Fourth Amendment analysis so long as there exists objective basis for seizure). Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Ester's motion to supplement the record.
