

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1475

Michael B. James,

Appellant,

v.

City of Omaha,

Appellee.

*
*
*
* Appeal from the United States
* District Court for the
* District of Nebraska.
*
* [UNPUBLISHED]
*

Submitted: August 7, 2009
Filed: August 24, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Michael James appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. After careful de novo review, viewing the evidence and all fair inferences from it in a light most favorable to James, see Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006), we conclude that James's claims were barred by res judicata based on his prior civil suit in Nebraska court against the City of Omaha arising out of the events underlying the instant suit, see Allen v. McCurry, 449 U.S. 90, 95-96 (1980) (federal courts must give preclusive effect to state-court

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

judgment whenever courts of state from which judgment emerged would do so); Lee v. Spellings, 447 F.3d 1087, 1088 (8th Cir. 2006) (court may affirm summary judgment on any basis supported by record); Eicher v. Mid Am. Fin. Inv. Corp., 702 N.W.2d 792, 809 (Neb. 2005) (factors determining whether res judicata applies; res judicata applies to issues that party could have raised in prior action).

We also conclude that the district court did not abuse its discretion in denying James's motion for leave to amend his complaint, see Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 755 (8th Cir. 2006), or his motion to reconsider.

Accordingly, we affirm.
