

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2175

Claude R. Shuler, a minor, By and	*	
through his next friend James E.	*	
Shuler; James E. Shuler,	*	
	*	
Appellants,	*	Appeal from the United States
	*	District Court for the
v.	*	Western District of Missouri.
	*	
Springfield R-XII School District,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: August 17, 2009
Filed: August 25, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

James Shuler and his minor son Claude appeal from the district court's¹ dismissal in part, and adverse grant of summary judgment in part, of this civil action under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and other federal and state

¹The Honorable John T. Maughmer, United States Magistrate Judge for the Western District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

law. After careful de novo review, we conclude that the district court properly granted the motions to dismiss and for summary judgment, because appellants' federal claims are either untimely filed or administratively unexhausted. Further, the district court did not abuse its discretion in declining to exercise supplemental jurisdiction over the remaining state-law claim. As to appellants' complaint that summary judgment was premature, they did not seek a continuance below under Federal Rule of Civil Procedure 56(f).

Accordingly, we affirm the judgment of the district court, see 8th Cir. R. 47B; and we deny appellee's request for sanctions under Federal Rule of Appellate Procedure 38.
