

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-1672

Michael Lewis Butler,

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Appellant,

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v.

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Larry Norris, Director, Arkansas
Department of Correction; Greg
Harmon, Warden, East Arkansas
Regional Unit, ADC; Cheryl Evans, Lt.,
East Arkansas Regional Unit, ADC;
Dondie Franklin, Sgt., East Arkansas
Regional Unit, ADC; Harrison
Foreman, Sgt., East Arkansas Regional
Unit, ADC; Lamontrell Jones, Officer,
East Arkansas Regional Unit, ADC;
Timothy L. Morrison, Officer, East
Arkansas Regional Unit, ADC; Felicia
Phillips, East Arkansas Regional Unit,
ADC; Cleaster Hubbard, Officer, East
Arkansas Regional Unit, ADC; Brenda
Anderson, Officer, East Arkansas
Regional Unit, ADC; T. Compton,
Grievance Supervisor, ADC; James
Gibson, Internal Affairs Supervisor,
ADC; Kathy Stewart; Mary Willis,

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Appellees.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: September 9, 2010
Filed: September 16, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Michael Lewis Butler filed a 42 U.S.C. § 1983 complaint against several Arkansas Department of Correction employees. In September 2009, Butler's counsel informed the district court¹ that the parties had entered into a settlement agreement, and counsel requested the action be dismissed with prejudice. The court then ordered the complaint dismissed on September 14, but it did not enter judgment and retained jurisdiction for thirty days to vacate its order if a party showed that the settlement had not been completed. In October, Butler moved through counsel to vacate the dismissal order and to reopen the case. In November, Butler filed a separate pro se motion to vacate, arguing that the written settlement agreement did not reflect certain verbal assurances made by defendants. In January 2010, the district court denied the pending motions to vacate upon concluding that the parties had settled, and entered judgment dismissing the action with prejudice. Butler appeals.

We conclude that the district court did not clearly err in concluding that the parties had settled. See Chaganti & Assocs., P.C. v. Nowotny, 470 F.3d 1215, 1221 (8th Cir.2006) (standard of review; basic principles of contract law govern existence and enforcement of alleged settlement); see also Worthy v. McKesson Corp., 756 F.2d 1370, 1373 (8th Cir. 1985) (per curiam) (parties to voluntary settlement agreement cannot avoid agreement simply because agreement ultimately proves to be disadvantageous). Accordingly, we affirm the judgment. See 8th Cir. R. 47B.

¹The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas.