

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

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No. 10-2656

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Rev. David L. Joe,

Appellant,

v.

Walgreens Co./ILL; Walgreens Co./  
ILL, District 311; Jason Frederick, in  
his official capacity; Mary Ann Hansen,  
in her official capacity; Kristine Rasby,  
in her official capacity; Frank  
Maxwell, in his official capacity,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* District of South Dakota.  
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\* [UNPUBLISHED]  
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Submitted: February 7, 2011  
Filed: February 18, 2011

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Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

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PER CURIAM.

The Reverend David Joe appeals the district court's<sup>1</sup> adverse grant of summary judgment in his action asserting both state-law and federal law employment-

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<sup>1</sup>The Honorable Roberto A. Lange, United States District Judge for the District of South Dakota.

discrimination claims. On de novo review, we conclude that dismissal of Joe's state-law claims was proper. See Jansen v. Lemmon Fed. Credit Union, 562 N.W.2d 122, 124 (S.D. 1997). We also agree with the district court that Joe's federal claims are time-barred, and conclude that the facts of this case do not warrant equitable tolling. See 42 U.S.C. § 2000e-5(f)(1); 42 U.S.C. § 12117(a). Accordingly, we affirm. See 8th Cir. R. 47B.

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