

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

---

No. 10-3303

---

Brad Bigalke,

Appellant,

v.

State of Minnesota Department of  
Veterans Affairs; and AFSCME  
Council 5 AFL-CIO,

Appellees.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

---

Submitted: February 8, 2011  
Filed: February 11, 2011

---

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

---

PER CURIAM.

Brad Bigalke appeals the district court's<sup>1</sup> final judgment dismissing with prejudice his claims of Americans With Disabilities Act violations by the State of Minnesota Department of Veterans Affairs and breach of the duty of fair representation by AFSCME Counsel 5, AFL-CIO, and dismissing without prejudice

---

<sup>1</sup>The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota.

his remaining state law claims. Upon careful review, see Gibson v. Weber, 433 F.3d 642, 647 (8th Cir. 2006) (abuse-of-discretion review of decision not to exercise supplemental jurisdiction); Luney v. SGS Auto. Servs., Inc., 432 F.3d 866, 867 (8th Cir. 2005) (de novo review of grant of motion to dismiss), we affirm for the reasons stated by the district court, see 8th Cir. R. 47B.

---