

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1263

Richard L. Purcell,

Appellant,

v.

Union Pacific Railroad,

Appellee.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: July 5, 2011

Filed: July 8, 2011

Before WOLLMAN, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Richard Purcell appeals following the adverse grant of summary judgment by the District Court¹ in his civil action claiming retaliation for filing safety complaints. After careful de novo review, see Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006), we agree with the District Court that under the statute at issue as it existed during the events underlying this complaint, 49 U.S.C. § 20109(a) (2006), Purcell was not entitled to relief. We decline his invitation to retroactively apply a subsequent

¹The Honorable Thomas J. Shields, United States Magistrate Judge for the Southern District of Iowa, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

amendment to the statute, see Landgraf v. USI Film Prods., 511 U.S. 244, 266–68, 280 (1994), and we conclude that the District Court did not abuse its discretion in staying discovery, see Steinbuch v. Cutler, 518 F.3d 580, 590 (8th Cir.), cert. denied, 129 S. Ct. 223 (2008).

Accordingly, we affirm. See 8th Cir. R. 47B.
