

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2533

Eldon K. Bugg,

Appellant,

v.

James L. Rutter; Jean Goldstein,

Appellees.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: February 6, 2012
Filed: February 15, 2012

Before MURPHY, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Eldon Bugg appeals the district court’s¹ denial of his motion under Federal Rule of Civil Procedure 60(b)(6), in which he asked the court to “clarify” that its dismissal of his action had been without prejudice as to the state-law claims he had raised. We conclude the district court did not abuse its discretion by denying Bugg’s motion: the dismissal order in question had dismissed his state-law claims with prejudice, and no other exceptional circumstances existed meriting Rule 60(b)(6) relief. See *Murphy v. Mo. Dep’t of Corr.*, 506 F.3d 1111, 1117 (8th Cir. 2007) (standard of review; Rule

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

60(b)(6) provides relief only where exceptional circumstances denied moving party full and fair opportunity to litigate claim and prevented moving party from receiving adequate redress); Caldwell v. Camp, 594 F.2d 705, 707 n.2 (8th Cir. 1979) (involuntary dismissal is with prejudice unless otherwise specified by the district court or Fed. R. Civ. P. 41(b) exception); cf. Hassett v. Lemay Bank & Trust Co., 851 F.2d 1127, 1130 (8th Cir. 1988) (state-law claims not explicitly addressed by district court order dismissing all claims must be construed as dismissed without prejudice). Accordingly, we affirm. See 8th Cir. R. 47B.
