

United States Court of Appeals
For the Eighth Circuit

No. 12-2965

Byron Sartor

Plaintiff - Appellant

v.

Tony Cole, Mayor, individually and in his capacity as Mayor of the City of Huttig;
City of Huttig

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - El Dorado

Submitted: April 5, 2013

Filed: April 10, 2013

[Unpublished]

Before LOKEN, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Byron Sartor appeals following the district court's¹ adverse grant of summary judgment in his civil suit. Upon careful de novo review, see Eddings v. City of Hot Springs, 323 F.3d 596, 601 (8th Cir. 2003), we conclude that Sartor had no property interest in his employment, and thus no right to procedural due process, see Sykes v. City of Gentry, 114 F.3d 829, 830-31 (8th Cir. 1997) (any statutory property interest plaintiff had in position as police chief was eliminated when Arkansas legislature enacted Ark. Code. Ann. § 14-42-110(a)); Batra v. Bd. of Regents of Univ. of Neb., 79 F.3d 717, 720 (8th Cir. 1996) (due process claim fails unless plaintiff has protected liberty or property interest). Further, we are not persuaded that an outgoing mayor can override the legislatively-granted hiring discretion of an incoming mayor by signing, during the outgoing mayor's term, an employment contract with a city employee that extends for years into the incoming mayor's term. Cf. Packett v. Stenberg, 969 F.2d 721, 725 (8th Cir. 1992) (public official, whose right to terminate at will was not limited by state law, was not bound by rules, regulations, or customs of outgoing official, and outgoing official's policies could not extend beyond term of office).

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

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.