

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 12-3699

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Richard Hart

*Plaintiff - Appellant*

v.

Yi Pan, M.D.; Tenet HealthSystem SL, Inc.; Allergan USA, Inc.

*Defendants*

United States of America

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: October 2, 2013

Filed: October 7, 2013

[Unpublished]

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Before LOKEN, BYE, and BENTON, Circuit Judges.

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PER CURIAM.

Richard Hart appeals the district court's<sup>1</sup> adverse judgment following a bench trial in his Federal Tort Claims Act lawsuit. We decline to consider Hart's sole argument for reversal as it is based on an issue not raised below, and it does not fall under the recognized exceptions for entertaining new arguments. See Henning v. Mainstreet Bank, 538 F.3d 975, 979 (8th Cir. 2008). The judgment of the district court is affirmed. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Charles A. Shaw, United States District Judge for the Eastern District of Missouri.