

United States Court of Appeals
For the Eighth Circuit

No. 13-1907

Michael A. Hoelscher, et al.

Plaintiffs - Appellants

v.

John M. Huff, et al.

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: December 3, 2013

Filed: December 10, 2013

[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Michael Hoelscher, Theresa Hoelscher, and C.M. Hoelscher, by Next Friend Theresa Hoelscher (the Hoelschers) appeal the district court's¹ dismissal of their

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

action alleging federal and state claims and the denial of their motions for default and for post-judgment relief. Reviewing the dismissal de novo, see LeMay v. U.S. Postal Serv., 450 F.3d 797, 799 (8th Cir. 2006), we agree it was proper. Because the Hoelschers were aware of their alleged injuries no later than December 2004, their 42 U.S.C. § 1983 claims were time-barred by Missouri’s 5-year limitations period for personal-injury actions. See Sulik v. Taney Cnty., Mo., 393 F.3d 765, 767 (8th Cir. 2005), and cases cited. Having properly dismissed the federal claims, the district court did not abuse its discretion by declining to exercise supplemental jurisdiction over the Hoelschers’ state law claims, see 28 U.S.C. § 1367(c)(3), or in denying their motions for default judgment and for post-judgment leave to amend their complaint. See, e.g., United States ex rel. Roop v. Hypoguard USA, Inc., 559 F.3d 818, 822, 824 (8th Cir. 2009).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B. We deny as without merit all pending appellate motions.
