

United States Court of Appeals
For the Eighth Circuit

No. 14-1673

Charles Evans, III

Plaintiff - Appellant

v.

Nebr Beef; Tony Joy, Nebraska Beef Ltd.

Defendants

Nebraska Beef, Ltd.

Defendant - Appellee

Ken Bell; Jerry Beninato; Marvin Schreck; Mike Thatcher; James Timmerman;
Dolese Tippery; Mario Villarreal; Yas Yokozeki

Defendants

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: September 5, 2014

Filed: November 7, 2014

[Unpublished]

Before BYE, SMITH, and KELLY, Circuit Judges.

PER CURIAM.

Charles Evans appeals the district court's¹ dismissal of his lawsuit against his former employer. After careful review, we conclude that it was proper for the district court to sanction Evans for willfully disregarding an order compelling discovery, and that the court imposed an appropriate sanction by dismissing the action without prejudice, after Evans had been warned of the possibility of dismissal. See Rodgers v. Curators of Univ. of Missouri, 135 F.3d 1216, 1219, 1221-22 (8th Cir. 1998) (finding of willful disregard of order is reviewed for clear error; selection of sanction is reviewed for abuse of discretion; concluding that district court did not abuse its discretion in dismissing action). We further conclude that the remaining issues raised by Evans on appeal are meritless. Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.