

United States Court of Appeals
For the Eighth Circuit

No. 15-3673

Mark Parker; Gloria J. Payer, and those Similarly Situated

Plaintiffs - Appellants

v.

Thurston County, Nebraska; Caroline Frenchman; Darren Wolf; Georgia Maymberry; Leonard Peters; Greg Jump; Dan Trimble; Mark English; Village of Walthill, an Entity within the Omaha Reservation and within Thurston County, Nebraska; Mike Grant; Gwen Porter; Vida Stabler; Drew Kingare; Michael Wolfe, Sr.; Earlene Hradec; Randy Urbanec; Douglas L. Luebe; Nora H. Goll; Shelly Perez; State of Nebraska

Defendants - Appellees

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

Submitted: July 20, 2016

Filed: July 21, 2016

[Unpublished]

Before LOKEN, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

In May 2015, Mark Parker and Gloria Payer filed a complaint under 42 U.S.C. §§ 1983 and 1985 against the State of Nebraska; Thurston County, Nebraska; the Village of Walthill; and various individuals associated with these entities. Plaintiffs alleged that defendants violated their civil rights by questioning, arresting, prosecuting, and jailing plaintiffs--without jurisdiction--for offenses they committed while driving on roads within the Omaha Tribal Reservation. The district court¹ granted defendants' unopposed Federal Rule of Civil Procedure 12(b)(6) motions, and denied plaintiffs' Federal Rule of Civil Procedure 59(a)(2) postjudgment motion.

Following de novo review of the grant of the motion to dismiss, see Adams v. Am. Family Mut. Ins. Co., 813 F.3d 1151, 1154 (8th Cir. 2016), and careful review of the parties' submissions on appeal, we agree with the district court that the complaint is untimely under the four-year limitations period set out in Neb. Rev. Stat. § 25-207, see Wilson v. Garcia, 471 U.S. 261, 280 (1985), and we conclude also that the district court did not abuse its discretion in denying postjudgment relief, see Stults v. Am. Pop Corn Co., 815 F.3d 409, 414 (8th Cir. 2016); Arnold v. Wood, 238 F.3d 992, 998 (8th Cir. 2001).

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

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.