
No. 95-3924MN

Music Cafes, Inc., doing
business as Arnold's Hot Roxx
Music Cafe,

Appellant,

v.

City of Edina; Kenneth E.
Rosland; Fred Richards; Peggy
Kelly; Jane Paulus; Glenn
Smith; and Jack Rice,

Appellees.

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* On Appeal from the United
* States District Court
* for the District
* of Minnesota.
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* [TO BE PUBLISHED.]
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Submitted: October 23, 1996

Filed: November 5, 1996

Before RICHARD S. ARNOLD, Chief Judge, FLOYD R. GIBSON and MORRIS SHEPPARD
ARNOLD, Circuit Judges.

PER CURIAM.

This is an action under 42 U.S.C. § 1983 in which the plaintiff, the operator of a combination food court and dance hall, claims that the defendants, the City of Edina, Minnesota, and others, were motivated by racial prejudice when they placed conditions upon the plaintiff's permit to hold dances. The District Court¹ granted summary judgment for the defendants, and

¹The Hon. David S. Doty, United States District Judge for the District of Minnesota.

the plaintiff appeals.

We affirm, substantially for the reasons given in the opinion of the District Court. In our view, there is no substantial evidence in this record of racial motivation on the part of those who made the decision to subject plaintiff's permit to the conditions complained of - that no smoking be allowed, and that patrons' hats be checked at the door.

Affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.