

For reversal, Empire argues that with more discovery it might have been able to demonstrate a genuine issue of material fact, and therefore that summary judgment was improperly granted. Empire also argues that the District Court erred in affirming the denial by the magistrate judge² of Empire's motion to compel discovery. Having reviewed the case, we reject Empire's contentions. Summary judgment was properly granted on Empire's breach of contract claim, and the District Court's affirmance of the magistrate judge's ruling on Empire's discovery motion was not an abuse of discretion. We note that Empire does not contest the District Court's dismissal, on jurisdictional grounds, of Empire's misrepresentation claim.

AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

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

²The Honorable Jonathan G. Lebedoff, United States Magistrate Judge for the District of Minnesota.