

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 96-3381

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Glenn R. Waite,

Appellant,

v.

Regional West Medical Center;  
Scottsbluff Internal Medicine Group;  
W. Scott Carpenter; Nancy Adams,

Appellees.

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Appeal from the United States  
District Court for the  
District of Nebraska.

[UNPUBLISHED]

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Submitted: September 19, 1997

Filed: September 25, 1997

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Before McMILLIAN, BEAM, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Glenn R. Waite brought this action under the Declaratory Judgment Act, 28 U.S.C. § 2201, seeking a declaration that under the United States and the Nebraska constitutions he was entitled to an opportunity for a hearing before an impartial decision-maker on pending motions in two state court negligence cases. The district

court<sup>1</sup> dismissed his complaint, and denied his motions to alter or amend the judgment. We affirm.

Upon our careful review of the record, we find no abuse of discretion by the district court in refusing to entertain this declaratory judgment action. See Wilton v. Seven Falls Co., 115 S. Ct. 2137, 2143 (1995) (standard of review). It is not for the federal court to determine the finality and status of state court cases; the state courts are better able to resolve and adjudicate the issues. See Glover v. State Farm Fire & Cas. Co., 984 F.2d 259, 261 (8th Cir. 1993) (important factor in exercising declaratory judgment jurisdiction is whether another, more appropriate remedy is available).

Although the district court's procedures in dismissing this action were improper, see Porter v. Fox, 99 F.3d 271, 273-74 (8th Cir. 1996) (per curiam), we conclude that the error here was harmless. We also conclude the district court did not abuse its discretion in denying Waite leave to file a third amended complaint. See Perkins v. Spivey, 911 F.2d 22, 34 (8th Cir. 1990) (standard of review), cert denied, 499 U.S. 920 (1991).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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

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<sup>1</sup>The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.