

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1778WM

Rex W. Carlson, individually and as *
Next Friend for; Karen Virginia Carlson; *
Erin Elizabeth Carlson; Dale Eugene *
Carlson; David Paul Carlson; Wendy *
Laura Carlson; Melissa Carlson Green, *

Plaintiffs-Appellants, *

v. *
*

Midway R-I School District; Janice *
Larson, Individually, and in her capacity *
as Superintendent of Midway R-I School *
District; Laurie Thomas, Individually, *
and In Her Capacity as a Member of *
the School Board; Richard Farr, *
Individually, and in his capacity as a *
Member of the School Board; Terry *
Carter, Individually, and in his capacity *
as a Member of the School Board; *

Defendants-Appellees, *

Bill Potts, Individually, and as a *
Member of the School Board; *

Defendant, *

Roy M. Beaman, Individually, and in *
his capacity as a Member of the School *
Board; Ronnie D. Jones, Sr., *

Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

individually, and in his capacity as a *
member of the School Board; Patricia *
Shade, Individually, and as an Employee *
of Midway R-I School District; *

Defendants-Appellees, *

Robert Weltsch, Individually, and as an *
Employee of Midway R-I School *
District; *

Defendant, *

Elvin S. Douglas, Jr.; *

Defendant-Appellee, *

Judy Long, Individually, and as an *
employee of Midway R-I School *
District, *

Defendant-Appellee. *

Submitted: December 8, 1997
Filed: December 16, 1997

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

PER CURIAM.

Rex W. Carlson, individually and as next friend for his children, appeals from the adverse decisions of the judge and the jury in this civil rights lawsuit. We reject Carlson's contention that the district court improperly granted summary judgment on the children's claim for educational malpractice based on their right to an education

under the Missouri constitution. We likewise reject Carlson's contention that the district court misinstructed the jury on Carlson's claim for violations of the First Amendment and retaliation. For the most part, Carlson failed to preserve his record for an appeal on the jury instructions that were given or refused by the district court, and having reviewed the challenged instructions under the appropriate standards of review, we conclude the challenged instructions do not require reversal. Having considered Carlson's remaining contentions under well-established standards, we find no error that would require reversal. Because an opinion would have no precedential value, we affirm the district court without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

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