

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 96-3194

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Christopher Lee Prosser,

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Plaintiff - Appellant,

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v.

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Appeal from the United States

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District Court for the

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Eastern District of Missouri.

Mary Weeks; Arthur Sommer; Emile  
Schneider; Unknown Golden; Unknown

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Rushing; Mark Houston; Dallas

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**[UNPUBLISHED]**

McDowell; Michael Jones; Raymond

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Stock,

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Defendants - Appellees.

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Submitted: December 11, 1997

Filed: March 25, 1998

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Before WOLLMAN, FLOYD R. GIBSON, and LOKEN, Circuit Judges.

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PER CURIAM.

Missouri inmate Christopher L. Prosser was convicted of second-degree murder for the death of his live-in girlfriend's two year old daughter, Rockie Krieb. He now

appeals various district court<sup>1</sup> orders, primarily the court's grant of summary judgment dismissing Prosser's § 1983 damage claims against St. Louis County police and animal control officers and private citizens involved in the search and seizures accompanying his arrest. After careful review of the record and the briefs, we affirm for the reasons stated in the district court's thorough Memorandum and Order dated July 11, 1996, its earlier protective orders, and its Order taxing costs dated August 14, 1996. See 8th Cir. R. 47B.

We further conclude that Prosser and his attorney, Richard L. Beaver, have pursued a vexatious and frivolous appeal. After the district court denied Prosser leave to appeal *in forma pauperis* on the ground that "an appeal from this matter would not be taken in good faith," attorney Beaver filed a meritless fifty-page brief and twenty-five page reply brief. We therefore order Prosser and Beaver to show cause within twenty days why we should not award against them, jointly and severally, double costs together with appellees' attorney's fees on appeal. See Rule 38 of the Federal Rules of Appellate Procedure; 28 U.S.C. §§ 1912, 1927; Slack v. St. Louis County Govt., 919 F.2d 98, 100 (8th Cir. 1990); Anselmo v. Manufacturers Life Ins. Co., 771 F.2d 417, 421 (8th Cir. 1985).

A true copy.

Attest:

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

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<sup>1</sup>The HONORABLE CATHERINE D. PERRY, United States District Judge for the Eastern District of Missouri.