

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 97-2978

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Vernon Ball,

Appellant,

v.

Zales Corp.; Bailey, Banks & Biddle,

Appellees.

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

**[UNPUBLISHED]**

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Submitted: March 19, 1998

Filed: April 2, 1998

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Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Vernon Ball appeals from the district court's<sup>1</sup> order dismissing his employment discrimination action with prejudice pursuant to Federal Rules of Civil Procedure 37(b) and 41(b). After careful review of the record and the parties' briefs, we deny Ball's motion for appointment of counsel, and we conclude that the district court did not abuse its discretion in dismissing the action for the reasons it stated. See First Gen. Resources Co. v. Elton Leather Corp., 958 F.2d 204, 206 (8th Cir. 1992) (per curiam) (Rule 41(b) standard of review); Avionic Co. v. General Dynamics Corp., 957 F.2d

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<sup>1</sup>The HONORABLE E. RICHARD WEBBER, United States District Judge for the Eastern District of Missouri.

555, 558 (8th Cir. 1992) (Rule 37(b) standard of review). Accordingly, we affirm. See  
8th Cir. R. 47B.

A true copy.

Attest:

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