

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2339

Dave Garey, also known as Freddy
Mertz,

Appellant,

v.

Bonneville International
Corporation, a Utah Corporation;
Ron Carter; Deseret Mutual Benefit
Administrators, a Utah
Corporation,

Appellees.

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

[UNPUBLISHED]

Submitted: March 18, 1999
Filed: March 24, 1999

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

PER CURIAM.

Dave Garey appeals from the district court's¹ dismissal of his action with prejudice, and the assessment of costs, after Garey failed to appear at his court-

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

ordered deposition. After careful review of the record and the parties' briefs, we conclude that the district court did not abuse its discretion. We have considered and now deny Garey's motions for sanctions, to present oral argument, and for permission to present "evidentiary testimony" by telephone.

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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