

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-1682

Alfred Brown,

Appellant,

v.

Union Pacific Railroad Company,

Appellee.

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

[UNPUBLISHED]

Submitted: December 17, 1999

Filed: December 23, 1999

Before BEAM, HEANEY, and HANSEN, Circuit Judges.

PER CURIUM.

Alfred Brown brought suit under the Federal Employers' Liability Act (FELA), 45 U.S.C. §§ 51-60, for an injury that occurred while he was working for Union Pacific Railroad Company. After a three-day trial, a jury found for Union Pacific. Brown appeals arguing that (1) jury instruction number 10 was not supported by the evidence and contains incorrect language, (2) jury instruction number 12 was inappropriate under FELA, and (3) the district court erred in allowing the testimony of the defendant's independent medical examiner.

We review the district court's¹ jury instructions and evidentiary rulings for an abuse of discretion. See Dominion Management Servs., Inc. v. Nationwide Housing Group, 195 F.3d 358, 365 (8th Cir. 1999). Having carefully reviewed the record, we find no abuse of discretion by the district court. Therefore, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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

¹The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.