

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

No. 99-1879

Sharlette Petrik,

Appellant,

v.

State of Minnesota; James Morrow;
Ellen Maas; Marc Al; Dyanna Oian;
Anoka County District Court; Anoka-
Metro Regional Treatment Center; City
of Columbia Heights; Richard Schmidt;
Steven Vaughn; Michael McGee;
Columbia Heights Police Officers, Doe
1 and Doe 2,

Appellees.

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Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Submitted: December 16, 1999

Filed: December 23, 1999

Before McMILLIAN and FAGG, Circuit Judges, and BOGUE,* District Judge.

PER CURIAM.

*The Honorable Andrew W. Bogue, United States District Judge for the District of South Dakota, sitting by designation.

Sharlette Petrik appeals the district court's orders in this civil rights action dismissing the state parties on Eleventh Amendment grounds, dismissing the court parties based on judicial immunity, and granting summary judgment in favor of the city parties sued by Petrik. Having reviewed the record and the parties' briefs, we conclude Petrik is not entitled to relief. We agree with the district court's analysis that a Minnesota statute which provides that persons perceived publicly to be intoxicated may be delivered to a detoxification facility (instead of jail) is constitutional. We also agree with the district court that the statute was correctly applied to Petrik based on undisputed evidence she was publicly intoxicated, and the police officers had ample reason to believe she was a danger to herself because of her intoxicated condition. We thus conclude the district court correctly granted dismissals and summary judgment, and we affirm for the reasons stated in the district court's orders without further discussion. We also conclude the district court correctly dismissed Petrik's state law claims. See 8th Cir. R. 47B.

A true copy.

Attest:

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