

No. 99-3880

Filed: April 25, 2000

Before McMILLIAN, FAGG, and LOKEN, Circuit Judges.

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PER CURIAM.

Teacher Steve E. Adair was accused of striking a female student in the back, and after holding a hearing on the matter, the Pulaski County Special School District's board of directors voted to terminate Adair's contract. Adair then brought this action against the school district and various members of the board of directors (collectively the district), alleging his termination violated his procedural and substantive due process rights and his rights under the Arkansas Teacher Fair Dismissal Act (ATFDA). The district court granted summary judgment for the district, and Adair appeals. Having carefully reviewed the parties' briefs and the record, we affirm the grant of summary judgment to the district on Adair's procedural and substantive due process claims for the reasons expressed in the magistrate judge's thorough report and recommendation as adopted by the district court. As for Adair's ATFDA claim, "when federal and state claims are joined and the federal claims are dismissed on a motion for summary judgment, the pendent state claims are dismissed without prejudice to avoid [n]eedless decisions of state law . . . as a matter of comity." See Birchem v. Knights of Columbus, 116 F.3d 310, 314 (8th Cir. 1997) (alteration in original) (internal quotation marks and quoted cases omitted). We thus remand to the district court with instructions to modify its final judgment to dismiss Adair's ATFDA claim without prejudice. As modified, the judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

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