

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1988

Edmund T. Biggs,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the Southern
	*	District of Iowa.
Deere & Company; John Deere	*	
Company, sued as John Deere	*	[UNPUBLISHED]
Davenport Works; International Union,	*	
United Automobile, Aerospace &	*	
Agricultural Implement Workers of	*	
America, Local 281,	*	
	*	
Appellees.	*	

Submitted: April 20, 2006
Filed: May 2, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Edmund T. Biggs appeals the district court's* adverse grant of summary judgment in Biggs's Employment Retirement Income Security Act (ERISA) lawsuit. Having conducted de novo review, see Torres v. UNUM Life Ins. Co. of Am., 405

*The Honorable Charles R. Wolle, United States District Judge for the southern District of Iowa.

F.3d 670, 677 (8th Cir. 2005), we agree Biggs's ERISA claims must fail: the issues he raises are foreclosed by a settlement agreement he signed in 1991. Cf. Leavitt v. Nw. Bell Tel. Co., 921 F.2d 160, 162 (8th Cir. 1990) (private settlements of ERISA claims do not compromise policies underlying ERISA). Biggs offered no evidence in support of his claims of fraud, breach of fiduciary duty, or improper conduct involving either the settlement agreement or the calculation of his benefits. His remaining assertions are either raised for the first time on appeal or are without merit.

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny the pending motion.
