

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3210

William Calhoun,

Appellant,

v.

Wal-Mart,

Appellee.

*

*

* Appeal from the United States
* District Court for the
* Eastern District of Missouri.

*

* [UNPUBLISHED]

*

*

Submitted: July 31, 2009
Filed: August 5, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

William Calhoun appeals the district court's¹ order dismissing his employment-discrimination suit, in part because he failed to disclose the action in bankruptcy filings. Following careful review, we find no abuse of discretion in the application of judicial estoppel to Calhoun's claim. See Stallings v. Hussmann Corp., 447 F.3d 1041, 1046 (8th Cir. 2006) (standard of review). We decline Calhoun's request to modify the dismissal to be without prejudice, given that a without-prejudice dismissal

¹The Honorable Catherine D. Perry, Chief Judge, United States District Court for the Eastern District of Missouri.

would serve no purpose because Calhoun is estopped from pursuing his action in the future. See Paulucci v. City of Duluth, 826 F.2d 780, 782-83 (8th Cir. 1987).

Accordingly, we affirm. See 8th Cir. R. 47B.
