

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

No. 08-3340

Frederick L. Pitchford,

Appellant,

v.

Southland Gaming and Racing; Barry
Baldwin; Therrin Protze; Troy
Keeping,

Appellees.

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* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.
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* [UNPUBLISHED]
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Submitted: September 23, 2009
Filed: October 5, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Frederick Lee Pitchford appeals the district court's¹ dismissal of his employment discrimination complaint. Pitchford's only argument in his brief on appeal is that the district court lacked jurisdiction to rule on the motion to dismiss, because he failed to pay the filing fee below. This argument fails. *See Rodgers ex rel.*

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

Jones v. Bowen, 790 F.2d 1550, 1552 (11th Cir. 1986) (noting that court had expressly rejected theory that timely payment of filing fee is jurisdictional requirement).

Accordingly, we affirm. We also deny the pending motion to vacate.
