

United States Court of Appeals
For the Eighth Circuit

No. 16-4131

Nancy T. Keselyak

Plaintiff - Appellant

v.

The Curators of the University of Missouri

Defendant - Appellee

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: August 2, 2017

Filed: August 10, 2017

[Unpublished]

Before COLLOTON, MURPHY, and KELLY, Circuit Judges.

PER CURIAM.

Nancy Keselyak appeals the district court's¹ dismissal of her lawsuit brought under the Family and Medical Leave Act (FMLA). Keselyak, a tenured professor at

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.

the University of Missouri Kansas City School of Dentistry (University), argues that the University violated her rights under the FMLA when it suspended her salary when she was unable to return to work following an injury and failed to request FMLA leave. She also argues that the district court erred in denying her motion for default judgment.

After careful review, we find no abuse of discretion in the district court's denial of Keselyak's default motion. See Comiskey v. JFTJ Corp., 989 F.2d 1007, 1009-10 (8th Cir. 1993) (abuse-of-discretion review of denial of motion for default judgment). We also conclude that the district court properly dismissed the complaint, see Butler v. Bank of Am., N.A., 690 F.3d 959, 961 (8th Cir. 2012) (grant of motion to dismiss for failure to state a claim reviewed de novo), as the University was entitled to sovereign immunity, see Coleman v. Court of Appeals of Md., 566 U.S. 30, 43-44 (2012) (Congress did not abrogate states' sovereign immunity from suits for money damages in enacting FMLA's self-care provision). Accordingly, we affirm, see 8th Cir. R. 47B, and deny Keselyak's pending motions.
