

United States Court of Appeals
For the Eighth Circuit

No. 17-3686

Carl Deon Shinn

Plaintiff - Appellant

v.

Terri Hamilton

Defendant - Appellee

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: October 12, 2018

Filed: January 7, 2019

[Unpublished]

Before LOKEN, BENTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Iowa resident Carl Deon Shinn appeals from the judgment of the district court,¹ after a bench trial, in his diversity action against Kansas resident Terri Hamilton. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable Helen C. Adams, United States Magistrate Judge for the Southern District of Iowa, by consent of the parties.

Shinn argues that the district court erred in calculating the damages on his claim for unjust enrichment, contending that it failed to award him damages for certain real property he transferred to Hamilton, and that it improperly disregarded his reasonable estimates of the value of items of personal property that he claimed were missing.²

Upon review, this court concludes that the district court correctly determined that (1) Shinn was not entitled to damages simply because the value of the real property he quit-claimed to Hamilton was slightly more than the amount she had expended on his behalf; (2) there was no evidence that Hamilton stole the missing items of personal property; and (3) Hamilton was not unjustly enriched by their theft. *See Urban Hotel Dev. Co., Inc. v. President Dev. Grp., L.C.*, 535 F.3d 874, 879 (8th Cir. 2008) (standard of review; strong presumption that district court's factual findings are correct); *State, Dep't of Human Servs. ex rel Palmer v. Unisys Corp.*, 637 N.W.2d 142, 154-55 (Iowa 2001) (under Iowa law, elements of unjust enrichment claim require that defendant was enriched by receipt of benefit, and that circumstances made it unjust for defendant to retain benefit).

The judgment is affirmed. *See* 8th Cir. R. 47B.

²The district court's denial of Shinn's breach-of-contract and fraud claims, and its denial of Hamilton's counterclaim, are not subjects of this appeal.