

United States Court of Appeals
For the Eighth Circuit

No. 18-1328

Jerry L. Nibeck

Plaintiff - Appellant

v.

Marion Police Department; Adam Cirkl

Defendants - Appellees

Donna Sue Jewell

Defendant

Mark Kjormoe

Defendant - Appellee

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: May 6, 2019

Filed: May 10, 2019

[Unpublished]

Before COLLOTON, WOLLMAN, and KELLY, Circuit Judges.

PER CURIAM.

Jerry L. Nibeck appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action, in which he alleged defendants violated his First and Fourth Amendment rights. After careful review of the record and the parties' arguments on appeal, we find no basis for reversal. See Peterson v. Kopp, 754 F.3d 594, 598 (8th Cir. 2014) (reviewing the grant of summary judgment on the basis of qualified immunity de novo). The judgment is affirmed, see 8th Cir. R. 47B, and Nibeck's pending motion to supplement the record is denied, see Dakota Indus., Inc. v. Dakota Sportswear, Inc., 988 F.2d 61, 63 (8th Cir. 1993) ("Generally, an appellate court cannot consider evidence that was not contained in the record below.").

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.