

United States Court of Appeals
For the Eighth Circuit

No. 21-1602

Michael Anthony Akins

Plaintiff - Appellant

v.

S & R Development Inc.; Hiren Patel, President, in his official capacity; Lamar
Fox, Site Supervisor, in his official capacity

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Northern

Submitted: November 5, 2021
Filed: November 17, 2021
[Unpublished]

Before COLLOTON, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Arkansas resident Michael Akins appeals the district court's¹ dismissal of his
pro se diversity action. Upon careful *de novo* review, we affirm.

¹The Honorable D. P. Marshall Jr., Chief Judge, United States District Court
for the Eastern District of Arkansas.

Applying the statute of limitations from Arkansas, *see Rose Barge Line, Inc. v. Hicks*, 421 F.2d 163, 164 (8th Cir. 1970), we conclude that the district court did not err in dismissing the promissory-estoppel, detrimental-reliance, and tort claims as barred by the three-year statute of limitations. *See Ark. Code Ann. § 16-56-105*. We also conclude that the district court did not err in dismissing the breach-of-contract claim, as it was barred by the five-year statute of limitations. *See Ark. Code Ann. § 16-56-111; Chapman v. Alexander*, 817 S.W.2d 425, 426 (Ark. 1991). In the absence of fraudulent concealment, the limitation period was not tolled. *See O'Mara v. Dykema*, 942 S.W.2d 854, 858 (Ark. 1997).

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