

United States Court of Appeals
For the Eighth Circuit

No. 22-1610

Clayton Walker

Plaintiff - Appellant

v.

Cory Shafer, in his individual and official capacity; City of Rapid City

Defendants - Appellees

United States; State of South Dakota; Police Dept.

Defendants

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: September 27, 2022

Filed: October 4, 2022

[Unpublished]

Before SHEPHERD, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Clayton Walker appeals after the district court¹ dismissed his pro se 42 U.S.C. § 1983 complaint for failure to comply with court orders. Following a careful review, we conclude that the district court did not abuse its discretion in dismissing the case. See Smith v. Gold Dust Casino, 526 F.3d 402, 404 (8th Cir. 2008) (dismissal for failure to prosecute or failure to comply with court orders is reviewed for abuse of discretion); see also Comstock v. UPS Ground Freight, Inc., 775 F.3d 990, 992 (8th Cir. 2014) (dismissal as a discovery sanction is reviewed for abuse of discretion).

To the extent Walker challenges the earlier adverse grant of summary judgment as to his Ninth Amendment claim, we conclude that the district court correctly granted summary judgment. See Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006) (grant of summary judgment is reviewed de novo); Strandberg v. City of Helena, 791 F.2d 744, 748 (9th Cir. 1986) (Ninth Amendment does not create rights cognizable in a § 1983 action).

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

¹The Honorable Jeffrey L. Viken, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable Daneta Wollmann, United States Magistrate Judge for the District of South Dakota.