

United States Court of Appeals
For the Eighth Circuit

No. 22-1453

LaRonda Phox

Plaintiff - Appellant

v.

21c Management LLC

Defendant - Appellee

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

Submitted: November 4, 2022

Filed: November 10, 2022

[Unpublished]

Before COLLOTON, MELLOY, and KOBES, Circuit Judges.

PER CURIAM.

LaRonda Phox appeals following the district court's¹ adverse grant of summary judgment in her pro se employment action. After careful review of the record and the

¹The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

parties' arguments on appeal, we conclude that the district court properly dismissed Phox's breach-of-fiduciary-duty claim, and properly granted summary judgment as to her remaining claims. See Waters v. Madson, 921 F.3d 725, 734 (8th Cir. 2019) (dismissal for failure to state claim is reviewed de novo); Banks v. John Deere & Co., 829 F.3d 661, 665 (8th Cir. 2016) (grant of summary judgment is reviewed de novo). We also find no abuse of discretion in the district court's ruling on Phox's request for an on-site inspection in connection with her request for production. See Life Plus Int'l v. Brown, 317 F.3d 799, 806 (8th Cir. 2003) (district court's decisions concerning its management of discovery process are reviewed for abuse of discretion). Finally, Phox's argument that 21c Management LLC's answer was untimely is not properly before us, as she raised the argument for the first time in post-judgment motions and did not file a new or amended notice of appeal (NOA) after the district court denied those motions. See Fed. R. App. P. 4(a)(4)(B)(ii) (party intending to challenge order disposing of certain post-judgment motions must timely file NOA or amended NOA); Miles v. Gen. Motors Corp., 262 F.3d 720, 722-23 & n.3 (8th Cir. 2001) (appellate court lacks jurisdiction over order denying post-judgment motion without amended NOA).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny the pending motion for appointment of counsel as moot.
