

United States Court of Appeals
For the Eighth Circuit

No. 22-2192

Montrell C. Holmes

Plaintiff - Appellant

v.

Lieutenant John Hawthorne, Probation and Parole Transitional Center St. Louis, Individual; Korey Kyles, Parole Officer, Individual; Sincerity Rutling, Supervisor, Transitional Center St. Louis, Individual and Official Capacity; Chris Sarchett, Superintendent, Transitional Center St. Louis, Individual and Official Capacity; Lieutenant Tasha Kupihea, Transitional Center St. Louis, Individual; Sergeant Chelsea Dowell, Transitional Center St. Louis, Individual; T. Green, Case Manager, Transitional Center St. Louis, Individual and Official Capacity; Keith Davis, Probation & Parole Officer, Transitional Center St. Louis, Individual and Official Capacity; Lieutenant Manning, Transitional Center St. Louis, Individual and Official Capacity; Lieutenant Summerville, ERDCC, Individual and Official Capacity; Sergeant William Griffin, Transitional Center St. Louis, Individual; Ms. Jordan, Lieutenant, Transitional Center St. Louis, Individual and Official Capacity; Danielle Beiter, Correctional Officer, Individual; Ms. Dent, Probation & Parole, Transitional Center St. Louis, Individual and Official Capacity; C. Highgrade, Transitional Center St. Louis, Individual and Official Capacity; Carrie Sederstrom, ERDCC, Probation & Parole Officer, Individual and Official Capacity; Kody Stanley, Corizon Nurse, Individual and Official Capacity; Unknown Erwin, Sergeant, ERDCC, Individual and Official Capacity; Ian Boyd, Doctor, St. Louis University Hospital, Individual and Official Capacity; Jonathan S. Cade, Medical Doctor, St. Louis University Hospital, Individual and Official Capacity; Unknown Dalton, Correctional Officer, ERDCC, Individual and Official Capacity; Melissa Brown, Case Manager, ERDCC, Individual and Official Capacity; Unknown Davis, Correctional Officer, Individual and Official Capacity; Probation & Parole, MO D.O.C., Individual and Official Capacity; Transitional

Center St. Louis; John Doe 2; John Doe 1; Johnny Holmes, Correctional Officer;
Lieutenant Lambe, Transitional Center St. Louis, Individual and Official Capacity

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: March 28, 2023

Filed: March 31, 2023

[Unpublished]

Before GRUENDER, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Montrell Holmes appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action under Federal Rule of Civil Procedure 37(d). Upon careful review, we find no abuse of discretion in the dismissal. See Lopez v. Whirlpool Corp., 989 F.3d 656, 662 (8th Cir. 2021) (standard of review). Holmes knew about and chose not to attend the first deposition scheduled by defendants; and he failed to inform the court and the defendants of his updated address to ensure he received notice of the rescheduled deposition and the court's orders, as required by the local rule. See E.D. Mo. L.R. 2.06(b) (pro se party shall promptly notify clerk and all other parties of any change in his address); Hairston v. Alert Safety Light Prods., Inc., 307 F.3d 717, 718-19 (8th Cir. 2002) (sanction of dismissal is appropriate when failure to comply has been due to willfulness or any fault of petitioner).

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri, now retired.

The judgment is affirmed. See 8th Cir. R. 47B. We deny appellees' motion to file a sur-reply.
