

United States Court of Appeals
For the Eighth Circuit

No. 22-3298

Jacob A. Black

Plaintiff - Appellant

v.

Hector Urcelay, in his official capacity

Defendant - Appellee

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

Submitted: April 25, 2023

Filed: April 28, 2023

[Unpublished]

Before KELLY, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

South Dakota resident Jacob Black appeals following the district court's¹ pre-service dismissal of one claim and adverse grant of summary judgment as to his

¹The Honorable Jeffrey L. Viken, United States District Judge for the District of South Dakota.

remaining claim in his civil action. After careful review of the record and the parties' arguments on appeal, we conclude the district court did not err in dismissing Black's constitutional claim, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (reviewing de novo 28 U.S.C. § 1915(e)(2)(B) dismissal); or in adversely granting summary judgment as to his claim under the Rehabilitation Act, see De Rossitte v. Correct Care Sols., LLC, 22 F.4th 796, 802 (8th Cir. 2022) (de novo review of grant of summary judgment). We further conclude the district court did not abuse its discretion in denying Black's motion for default judgment, see Norsyn, Inc. v. Desai, 351 F.3d 825, 828 (8th Cir. 2003) (denial of motion for default judgment reviewed for abuse of discretion); or in resolving the parties' discovery issues, see Vallejo v. Amgen, Inc., 903 F.3d 733, 742 (8th Cir. 2018) (discovery rulings reviewed for abuse of discretion). Accordingly, we affirm. See 8th Cir. R. 47B.
