

United States Court of Appeals
For the Eighth Circuit

No. 23-2439

John Burks

Plaintiff - Appellant

v.

City of Gladstone, Missouri; Gladstone Department of Public Safety; Police
Officer Joshua East, In his individual and official capacity; Gladstone Chief of
Police, In his official capacity

Defendants - Appellees

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

Submitted: January 24, 2024
Filed: February 1, 2024
[Unpublished]

Before LOKEN, COLLOTON, and GRASZ, Circuit Judges.

PER CURIAM.

John Burks appeals the district court's¹ adverse grant of summary judgment in his civil rights action alleging that his encounter with an officer of the City of Gladstone Police Department constituted an unreasonable seizure in violation of the Fourth Amendment. Upon careful review, we conclude that, under the totality of the circumstances, the encounter between Burks and the officer was consensual and, thus, did not implicate the Fourth Amendment. See Hovick v. Patterson, 37 F.4th 511, 516 (8th Cir. 2022); United States v. Lillich, 6 F.4th 869, 876 (8th Cir. 2021); Oglesby v. Lesan, 929 F.3d 526, 533 (8th Cir. 2019). To the extent Burks raised other claims in his complaint, we conclude that he waived them by not discussing them on appeal. See United States v. Azure, 539 F.3d 904, 912 (8th Cir. 2008).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

¹The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.