

United States Court of Appeals
For the Eighth Circuit

No. 23-2981

James Paul Aery,

Plaintiff - Appellant,

v.

Deputy Nick Lewis, Individual & Official Capacity; Deputy Kyle Beckwith,
Individual & Official Capacity,

Defendants - Appellees.

Appeal from United States District Court
for the District of Minnesota

Submitted: January 25, 2024
Filed: February 1, 2024
[Unpublished]

Before LOKEN, COLLOTON, and GRASZ, Circuit Judges.

PER CURIAM.

James Aery appeals the district court's¹ grant of summary judgment in this action raising claims under 42 U.S.C. § 1983 and state law. After de novo review, we conclude that the district court did not err in granting summary judgment for defendants as to Aery's section 1983 claims. We also find no abuse of discretion in the district court's decision not to exercise supplemental jurisdiction over Aery's state law claims. However, we modify the judgment to clarify that the dismissal of the state law claims was without prejudice, *see Franklin v. Zain*, 152 F.3d 783, 786 (8th Cir. 1998), and we affirm the judgment as modified, *see* 8th Cir. R. 47B.

¹The Honorable Katherine M. Menendez, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable John F. Docherty, United States Magistrate Judge for the District of Minnesota.