

United States Court of Appeals
For the Eighth Circuit

No. 23-3369

Marc Saeed Sultana

Plaintiff - Appellant

v.

Tom Wychor, Individual

Defendant

Endeavor Air Corporation

Defendant - Appellee

Appeal from United States District Court
for the District of Minnesota

Submitted: August 13, 2024

Filed: August 16, 2024

[Unpublished]

Before SHEPHERD, KELLY, and STRAS, Circuit Judges.

PER CURIAM.

Marc Saeed Sultana appeals the district court's¹ with-prejudice dismissal of his employment discrimination action for failure to prosecute and to follow court orders. He also moves for reconsideration of the clerk's order striking his overlength reply brief. Following a careful review, we conclude the district court did not err in dismissing the case with prejudice. See Smith v. Gold Dust Casino, 526 F.3d 402, 404 (8th Cir. 2008) (reviewing dismissal under Fed. R. Civ. P. 41(b) for abuse of discretion); Keefer v. Provident Life & Accident Ins. Co., 238 F.3d 937, 940-41 (8th Cir. 2000) (reviewing award of sanctions under Fed. R. Civ. P. 37 for abuse of discretion); Rodgers v. Curators of Univ. of Mo., 135 F.3d 1216, 1219 (8th Cir. 1998) (reviewing for clear error district court's factual findings that party willfully disregarded court orders and prejudiced movant); see also Fed. R. Civ. P. 16(f) (district court may dismiss action with prejudice for failure to obey scheduling or pretrial order and must order payment of expenses).

Accordingly, we deny the pending motion and affirm. See 8th Cir. R. 47B.

¹The Honorable Jerry W. Blackwell, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Tony N. Leung, United States Magistrate Judge for the District of Minnesota.