

United States Court of Appeals
For the Eighth Circuit

No. 24-2924

James Paul Aery

Plaintiff - Appellant

v.

Ernie Beitel; Calandra Allen; Summit Food Service, LLC

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: May 7, 2025

Filed: May 12, 2025

[Unpublished]

Before GRUENDER, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

James Aery appeals following the district court's¹ dismissal of some of his pro se civil rights claims, and adverse grant of summary judgment as to his remaining claims.

After careful review of the record and the parties' arguments on appeal, we conclude that the district court properly dismissed Aery's official-capacity claims, see Kelly v. City of Omaha, 813 F.3d 1070, 1075 (8th Cir. 2016) (reviewing de novo Fed. R. Civ. P. 12(b)(6) dismissal for failure to state claim); and that summary judgment was proper as to his remaining claims, see Stearns v. Inmate Servs. Corp., 957 F.3d 902, 906 (8th Cir. 2020) (reviewing grant of summary judgment de novo). Finally, we discern no abuse of discretion in the denial of Aery's motions to compel, for sanctions, and for counsel. See Vallejo v. Amgen, Inc., 903 F.3d 733, 742 (8th Cir. 2018) (reviewing discovery and sanctions rulings for abuse of discretion); see also Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013) (per curiam) (reviewing denial of motion for appointment of counsel for abuse of discretion).

Accordingly, we affirm.

¹The Honorable Katherine M. Menendez, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Douglas L. Micko, United States Magistrate Judge for the District of Minnesota.