

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

Nos. 97-2711/3291

Robert B. DePugh,

Appellant,

v.

Willis Swearingin, former Sheriff
Carroll County, Missouri, in his
personal and official capacities,

Appellee.

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Appeals from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: March 6, 1998

Filed: March 13, 1998

Before BOWMAN, WOLLMAN, and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Robert B. DePugh appeals the judgment of the District Court¹ granting defendant's motion for entry of judgment under Federal Rule of Civil Procedure 52(c) in his 42 U.S.C. § 1983 (1994) action. DePugh also appeals the District Court's award of attorney fees in the amount of \$5,000 to defendant under 42 U.S.C. § 1988 (1994). Having reviewed the record and the parties' submissions on appeal, we conclude that

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

the District Court did not err in granting defendant's motion for entry of judgment under Federal Rule of Civil Procedure 52(c). We also conclude that the District Court did not abuse its discretion in awarding attorney fees to defendant. DePugh's other arguments are without merit. Accordingly, we affirm. See 8th Cir. R. 47B. We grant Swearingin's motion for sanctions against DePugh for filing a frivolous appeal.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.