

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 10-2030

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John O. Murrin, III;  
DeVonna K. Murrin,  
husband and wife,

Appellants,

v.

Avidigm Capital Group, Inc.;;  
Steven J. Mattson,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
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\* [UNPUBLISHED]  
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Submitted: July 7, 2011  
Filed: July 14, 2011

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Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

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PER CURIAM.

John O Murrin, III and DeVonna K. Murrin (the Murrins) appeal following the district court's<sup>1</sup> order partially granting default judgment against Avidigm Capital Group, Inc. (Avidigm) and its president Steven J. Mattson, and entering final

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<sup>1</sup>The Honorable Patrick J. Schiltz, United States District Judge for the District of Minnesota.

judgment, in this case removed from state court. The sole issue on appeal is whether the district court erred by overruling the Murrins' objections to the magistrate judge's<sup>2</sup> order denying leave to amend to add claims under 18 U.S.C. §§ 1962(c)-(d) of the Racketeer Influenced and Corrupt Organizations Act against Avidigm and Mattson after dismissal of all claims against all other defendants.

Contrary to the Murrins' assertion, we find that their motion for leave to file a fifth amended complaint was properly referred to the magistrate judge for disposition, and that in reviewing the Murrins' objections to the magistrate judge's ruling, the district court judge properly considered whether the ruling was clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A). As to the denial of leave to amend to add section 1962(c)-(d) claims against Mattson and Avidigm, we find no basis for reversal. See Zutz v. Nelson, 601 F.3d 842, 850-51 (8th Cir.) (standard of review), cert. denied, 131 S. Ct. 524 (2010) Finally, we reject as meritless the Murrins' suggestion that they were entitled to yet another opportunity to amend.<sup>3</sup> Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>2</sup>The Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota.

<sup>3</sup>We decline to address those arguments that the Murrins raise for the first time on appeal. See Campbell v. Davol, Inc., 620 F.3d 887, 891 (8th Cir. 2010).