

United States Court of Appeals
For the Eighth Circuit

No. 12-2152

Clarence McCann

Plaintiff - Appellant

v.

New World Pasta Company

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: November 23, 2012

Filed: April 8, 2013

[Unpublished]

Before WOLLMAN, MELLOY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Clarence McCann appeals the district court's¹ orders granting summary judgment to New World Pasta Company and denying McCann appointment of

¹The Honorable Catherine D. Perry, Chief Judge, United States District Court for the Eastern District of Missouri.

counsel. New World Pasta Company moves to strike certain new evidence that McCann has submitted on appeal, and we grant the motion. Having carefully reviewed the record that was before the district court, see Estate of Morgan v. Cook, 686 F.3d 494, 496 (8th Cir. 2012) (de novo review), we conclude that summary judgment was properly granted for the reasons explained in the court's thorough memorandum and order. We also conclude that the district court did not abuse its discretion in denying appointment of counsel. See Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006). Accordingly, we affirm the district court's judgment. See 8th Cir. R. 47B.
