

United States Court of Appeals
For the Eighth Circuit

No. 16-3252

Darryl L. Weber

Plaintiff - Appellant

v.

International Brotherhood of Electrical Workers, Local 124; Apprenticeship &
Board Members & Companies; R.F. Fisher Electric Co.; Thomas Ferman; Gavin Sealy

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 20, 2017
Filed: May 3, 2017
[Unpublished]

Before COLLOTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Darryl Weber appeals after the District Court,¹ upon motion, dismissed his employment action with prejudice as a sanction for failure to comply with a court order to provide discovery responses. Weber, without explanation, failed to comply with the court’s order to provide supplemental discovery responses, and the record reveals other instances of Weber’s failure to cooperate in the discovery process, even after he was given multiple opportunities to do so. See Fed. R. Civ. P. 37(d)(1)(A)(ii) (stating that the court may order sanctions if “a party, after being properly served with interrogatories . . . , fails to serve its answers, objections, or written response”); see also 37(d)(3), (b)(2)(A)(v) (explaining that sanctions may include an order dismissing the action); 41(b) (stating that a defendant may move to dismiss if the plaintiff fails to comply with court rules or a court order). We conclude that the District Court did not abuse its discretion. See Smith v. Gold Dust Casino, 526 F.3d 402, 404–05 (8th Cir. 2008) (reviewing a Rule 41(b) dismissal for an abuse of discretion); Int’l Bhd. of Elec. Workers, Local Union No. 545 v. Hope Elec. Corp., 380 F.3d 1084, 1105 (8th Cir. 2004) (discussing appellate review of a Rule 37 sanction).

We affirm the judgment of the District Court.

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.