

United States Court of Appeals
For the Eighth Circuit

No. 18-3030

Donald E. Burnett

Plaintiff - Appellant

v.

Christine Machtly, Former Deputy Director

Defendant - Appellee

Appeal from United States District Court
for the Southern District of Iowa - Central Division

Submitted: July 24, 2019

Filed: July 25, 2019

[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

In this mortgage-related action, Donald Burnett appeals after the district court¹ dismissed his complaint, under Federal Rules of Civil Procedure 12(b)(6). Upon

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.

careful review of the record and Burnett’s properly raised arguments on appeal, we find no basis for reversal. First, we conclude the district court did not err in determining that Burnett failed to state a due process claim. *See Hughes v. City of Cedar Rapids*, 840 F.3d 987, 994 (8th Cir. 2016) (discussing the requirements for a procedural due process claim); *Kelly v. City of Omaha*, 813 F.3d 1070, 1075 (8th Cir. 2016) (stating a grant of a motion to dismiss under Rule 12(b)(6) is reviewed de novo). Furthermore, we conclude Burnett’s mere references to other types of claims, without more, did not state claims for relief. *See Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004) (“Though pro se complaints are to be construed liberally, . . . they still must allege sufficient facts to support the claims advanced.”). Finally, we conclude the court did not abuse its discretion in failing to invite Burnett to amend his complaint. *See Carlson v. Hyundai Motor Co.*, 164 F.3d 1160, 1162 (8th Cir. 1999) (holding “a district court does not abuse its discretion in failing to invite an amended complaint when plaintiff has not moved to amend and submitted a proposed amended pleading”).

Accordingly, the judgment of the district court is affirmed. *See* 8th Cir. R. 47B.
