

United States Court of Appeals
For the Eighth Circuit

No. 22-2921

Rico Paul

Plaintiff - Appellant

v.

Travis Pacheco, Correctional Officer, Individual Capacity

Defendant - Appellee

Troy Steele; Peggy Somerville

Defendants

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

Submitted: October 24, 2023

Filed: October 31, 2023

[Unpublished]

Before LOKEN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Missouri inmate Rico Paul appeals the judgment entered by the district court¹ following an adverse jury verdict in his 42 U.S.C. § 1983 action. Upon careful review, we conclude that Paul waived his challenge to document production during discovery, *see Bradshaw v. FFE Transp. Servs., Inc.*, 715 F.3d 1104, 1108 (8th Cir. 2013) (holding that discovery objections not made at the time set in the discovery scheduling order were waived), and further conclude the district court did not abuse its discretion in granting the defendant's motion in limine, *see Lawrey v. Good Samaritan Hosp.*, 751 F.3d 947, 952 (8th Cir. 2014) (standard of review). We also conclude that Paul failed to preserve his claim regarding late-produced evidence, *cf. Wichmann v. United Disposal, Inc.*, 553 F.2d 1104, 1106 (8th Cir. 1977) (holding that an error was not preserved where the party failed to move for a mistrial or to present the issue in a motion for new trial), as well as his claim that the district court erred in failing to provide an adverse inference jury instruction, as he withdrew his request for the instruction and did not object to the district court's failure to give it, *see Fed. R. Civ. P. 51(d)* (stating that a party may assign as error a failure to give an instruction if that party properly requested it and also properly objected).

Accordingly, we affirm the judgment, *see* 8th Cir. R. 47B; and deny Paul's pending motions.

¹The Honorable Stephen R. Clark, Chief Judge, United States District Court Judge for the Eastern District of Missouri.