

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

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No. 06-2240

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George Poole,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the
v.	*	Eastern District of Missouri.
	*	
Gene Stubblefield; Richard Dixon,	*	[UNPUBLISHED]
	*	
Appellees.	*	

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Submitted: February 6, 2007  
Filed: February 16, 2007

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Before WOLLMAN, MURPHY, and BYE, Circuit Judges.

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PER CURIAM.

George Poole appeals the district court's<sup>1</sup> dismissal without prejudice, under Federal Rules of Civil Procedure 41(b) and 37(d), of his 42 U.S.C. § 1983 lawsuit. Upon careful review of the record, we find no abuse of discretion in the court's dismissal of Poole's lawsuit for failure to comply with the court's order directing him to respond to defendants' discovery requests, and for his unexplained failure to attend his properly noticed deposition. See Good Stewardship Christian Ctr. v. Empire

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<sup>1</sup>The Honorable Thomas C. Mummert, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

Bank, 341 F.3d 794, 797 (8th Cir. 2003) (standard of review for Rule 41(b) dismissal); Aziz v. Wright, 34 F.3d 587, 589 (8th Cir. 1994) (standard of review for Rule 37(d) dismissal); Schooley v. Kennedy, 712 F.2d 372, 374 (8th Cir. 1983) (per curiam) (lesser sanction of dismissal without prejudice mitigates against finding abuse of discretion). Accordingly, we affirm. See 8th Cir. 47B.

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