

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

No. 06-2873

Robert Flannigan, Jr.; Cindy Flannigan; *
Mike Hook; Karen Hook, *

Appellees, *

v. *

Arkansas Game & Fish Commission, *

Appellant, *

Bureau of Land Management, U.S. *
Department of the Interior; Robert *
Tacker; Donna Tacker; Clyde Eason; *
Lots 1 and 4 of Section 23, Township *
15 North, Range 6 East in Craighead *
County, Arkansas; United States of *
America; Department of Interior, *

Defendants. *

Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: October 29, 2008
Filed: December 1, 2008

Before MURPHY, BYE, and BENTON, Circuit Judges.

PER CURIAM.

The Arkansas Game and Fish Commission (AGFC) appeals the district court's¹ adverse grant of partial summary judgment in this quiet-title action brought by the putative landowners (plaintiffs) against AGFC, the United States Department of the Interior's Bureau of Land Management, and others. On appeal, AGFC argues that the district court erred in holding that it was barred by an Arkansas statute of limitations from challenging plaintiffs' claim to the subject property.

After the district court granted partial summary judgment against AGFC, the case proceeded to a bench trial resulting in the district court's determination that the United States had title to the subject property. Final judgment was entered accordingly.

The record shows that AGFC's interest in the subject property had automatically reverted to the United States by operation of a reversionary clause in a land patent conveyed by the United States to AGFC in 1965. AGFC conceded this point prior to the district court's grant of partial summary judgment to plaintiffs. Thus, upon de novo review of the district court's grant of partial summary judgment, we affirm on the ground that AGFC lacked an interest in the subject property as a result of the reversionary clause in the 1965 patent. See Fletcher v. Burlington N. & Santa Fe Ry. Co., 474 F.3d 1121, 1126 (8th Cir. 2007) (declining to reach preemption issue where narrower ground existed on which to affirm summary judgment; court may affirm grant of summary judgment on any basis supported by record); Richmond v. Clinton County, Iowa, 338 F.3d 844, 846 (8th Cir. 2003) (de novo review standard).

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.