

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1284

James Widtfeldt; James Widtfeldt	*	
Trust,	*	
	*	
Appellants,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	District of Nebraska.
Ed Schafer, ¹ in his capacity as Secretary	*	
of the United States Department of	*	[UNPUBLISHED]
Agriculture; United States Department	*	
of Agriculture; Monte Fletcher, in his	*	
official capacity as Holt County	*	
Executive Director of the United States	*	
Farm Service Agency, an Agency of	*	
the United States Department of	*	
Agriculture; Richard Kilmurry; Bonny	*	
Kilmurry; Hilger Brothers Partnerships;	*	
Gary A. Burival; Joyce A. Burival;	*	
Edwin Burival,	*	
	*	
Appellees.	*	

Submitted: August 29, 2008
Filed: September 4, 2008

¹Ed Schafer has been appointed to serve as the Secretary of the United States Department of Agriculture, and is substituted as an appellee pursuant to Federal Rule of Appellate Procedure 43(c).

Before WOLLMAN, SMITH, and GRUENDER, Circuit Judges.

PER CURIAM.

James Widtfeldt appeals the district court's² adverse grant of summary judgment in this action for declaratory and injunctive relief under the Administrative Procedure Act (APA), 5 U.S.C. § 706(1) & (2), challenging an order of the United States Department of Agriculture (USDA), which found him ineligible for federal farm subsidies for the years 2000 and 2001 and required him to refund approximately \$29,000 in payments he received for those years. Upon de novo review, we agree with the district court that the USDA's decision was not arbitrary, capricious, an abuse of discretion, or otherwise inconsistent with the law. See Voyageurs Nat'l Park Ass'n v. Norton, 381 F.3d 759, 763 (8th Cir. 2004) (appellate standard of review and applicable legal standard under APA). Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B.

²The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.