

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

No. 07-1819

City of Lake Ozark, Missouri;
Wally Schrock; Robert Ashford;
Michael Luby,

Appellees,

v.

Robert Singleton; Justin Olsen,

Appellants.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: January 18, 2008
Filed: September 15, 2008

Before WOLLMAN, BRIGHT, and SMITH, Circuit Judges.

PER CURIAM.

Robert Singleton and Justin Olsen appeal from the district court's¹ adverse grant of summary judgment on their 42 U.S.C. § 1983 claim against the City of Lake Ozark, Missouri, Wally Schrock, Robert Ashford, and Michael Luby. Having reviewed the record *de novo* and considered the arguments raised by the appellants, we conclude

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

that the district court's order contains no error of fact or law and thus should be affirmed.

Singleton and Olsen also appeal from the dismissal without prejudice of Rudy Rodriguez, whom they failed to serve within 120 days after filing the complaint. The district court put Singleton and Olsen on notice that the complaint was subject to dismissal and properly exercised its discretion when it *sua sponte* dismissed the complaint without prejudice under Federal Rule of Civil Procedure 4(m). See Norsyn, Inc. v. Desai, 351 F.3d 825, 830-31 (8th Cir. 2003)(holding that the district court did not abuse its discretion when it dismissed the case without prejudice because the plaintiff failed to properly serve the defendant within 120 days after filing the complaint).

Finally, we note that “[d]istrict courts have broad discretion to set filing deadlines and enforce local rules.” Reasonover v. St. Louis County, Mo., 447 F.3d 569, 579 (8th Cir. 2006). Singleton and Olsen moved for leave to amend their summary judgment response well after the completion of summary judgment briefing. The district court granted their motion, but as a sanction for the delay in seeking leave, it ordered Singleton and Olsen to pay any attorney's fees incurred by the defendants in preparing an amended reply. Federal Rule of Civil Procedure 16(f)(2) authorizes the district court to impose such a sanction, and Singleton and Olsen will not now be heard to complain that the district court's order somehow prejudiced them when they were granted leave to amend but chose not to do so.

The judgment is affirmed. See 8th Cir. R. 47B.