

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

No. 07-2797

Florence Roark,

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Appellant,

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v.

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City of Cotton Plant,

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Appeal from the United States

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District Court for the

Appellee,

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Eastern District of Arkansas.

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Raymond Milton, individually and in
his official capacity; Archie D. Roark;
individually and in his official capacity,
Cleotis Smith, individually and in his
official capacity,

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[UNPUBLISHED]

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Defendants.

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Submitted: April 21, 2009

Filed: April 24, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Florence Roark appeals the district court's¹ orders denying sanctions and default judgment against the City of Cotton Plant (City) and granting judgment as a matter of law (JAML) in favor of the City in her 42 U.S.C. § 1983 action. The district court gave valid reasons for its rulings, and we thus find no abuse of discretion in its denial of default judgment under Federal Rule of Civil Procedure 55, see Norsyn, Inc. v. Desai, 351 F.3d 825, 828 (8th Cir. 2003) (standard of review), or in its denial of discovery sanctions under Federal Rule of Civil Procedure 37, see Crump v. Versa Prods., Inc., 400 F.3d 1104, 1110 (8th Cir. 2005) (standard of review). We find no error in the grant of JAML to the City, because Roark failed to offer evidence of a City policy or custom relevant to her claims. See Catipovic v. Peoples Cmty. Health Clinic, Inc., 401 F.3d 952, 956 (8th Cir. 2005) (de novo standard of review; for JAML to be granted, all evidence should point one way and not be susceptible to reasonable inferences sustaining nonmovant's position); see also Szabla v. City of Brooklyn Park, Minn., 486 F.3d 385, 389-93 (8th Cir. 2007) (en banc) (requirements for municipal liability under § 1983); Aetna Cas. & Sur. Co. v. Leahey Constr. Co., 219 F.3d 519, 546 (6th Cir. 2000) (while JAML is normally entered by district court following meritorious motion, it is clear that court has power to do so on its own initiative).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.