

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

No. 07-3484

Earnest Jesse Richardson,

Appellant,

v.

Francisco Porras, Officer; Lora Hanks,
Officer; City of Minneapolis,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: April 3, 2009

Filed: April 7, 2009

Before RILEY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Earnest Jesse Richardson appeals the district court's¹ adverse grant of summary judgment in his civil rights action, in which he claimed that he had been the victim of racial profiling when police officers pursued and arrested him. Upon de novo review, *see Ramlet v. E.F. Johnson Co.*, 507 F.3d 1149, 1152 (8th Cir. 2007), we hold that summary judgment was appropriate because Richardson did not offer evidence from which a jury could find that the officers acted with a discriminatory purpose, *see*

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota.

Johnson v. Crooks, 326 F.3d 995, 999-1000 (8th Cir. 2003) (Equal Protection Clause is constitutional basis for objecting to intentionally discriminatory application of laws; district court erred in not dismissing equal protection claim where plaintiffs failed to offer evidence that officer did not stop non-African Americans under similar circumstances, or offer direct evidence of racial animus other than personal opinion); *see also Brockinton v. City of Sherwood, Ark.*, 503 F.3d 667, 674 (8th Cir. 2007) (for municipal liability to attach, individual liability must first be found on underlying substantive claim); *Johnson v. Outboard Marine Corp.*, 172 F.3d 531, 535 (8th Cir. 1999) (this court may affirm on any basis supported by record).

Accordingly, we affirm the judgment of the district court. *See* 8th Cir. R. 47B.
