

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

No. 08-2560

Rose Mary Delgado,

Appellant,

v.

Rodney Hajicek, Badge No. 556, a
detective and police officer employed
by the East Grand Forks Police
Department in both his individual and
official capacities; Chris Olson, a
police officer, employed by the East
Grand Forks Police Department in both
his individual and official capacities,

Appellees.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: February 13, 2009
Filed: March 25, 2009

Before LOKEN, Chief Judge, MELLOY, and BENTON, Circuit Judges

PER CURIAM.

Rose Mary Delgado sued detective Rodney William Hajicek, and others, alleging deprivation of her Fourth Amendment rights. The district court¹ granted

¹ The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

summary judgment to defendants. *Delgado v. Hajicek*, No. 07-2186, 2008 WL 2042606 (D. Minn. May 12, 2008). Delgado appeals with respect to Hajicek. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court reviews a district court's grant of summary judgment de novo. *Davenport v. University of Arkansas Board of Trustees*, 553 F.3d 1110, 1112 (8th Cir. 2009). A moving party is entitled to summary judgment when the evidence, viewed in the light most favorable to the nonmoving party, establishes that no genuine issue of material fact exists, and the moving party is entitled to judgment as a matter of law. *King v. Hardesty*, 517 F.3d 1049, 1056 (8th Cir. 2008).

Delgado raises two issues on appeal: (1) Hajicek violated her Fourth Amendment rights by issuing a theft citation without probable cause; and (2) Hajicek violated her Fourth Amendment rights because he "materially misled" the Polk County Court, leading to the issuance of a warrant for her arrest.

Having carefully reviewed the record and the parties' briefs, this court finds no error in the district court's findings of fact or conclusions of law. Therefore, this court affirms for the reasons stated by the district court in its thorough and well-reasoned opinion. *See* 8th Cir. R. 47B.
