

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

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No. 08-3270

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Diabate Amadou,

Appellant,

v.

J. B. Hunt Transport, Inc.,

Appellee.

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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\* [UNPUBLISHED]  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: October 26, 2009  
Filed: December 14, 2009

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Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Diabate Amadou appeals the district court's<sup>1</sup> order dismissing his civil action for failure to state a claim for relief, and denying his motion to amend the complaint. Following de novo review, see O'Neil v. Simplicity, Inc., 574 F.3d 501, 503 (8th Cir. 2009), we conclude that dismissal was proper for the reasons stated by the district court, and that the court did not abuse its discretion in denying leave to amend as

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<sup>1</sup>The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota.

futile. See Marmo v Tyson Fresh Meats, Inc., 457 F.3d 748, 755 (8th Cir. 2006). Accordingly, we affirm. See 8th Cir. R. 47B. We also deny the pending motion.<sup>2</sup>

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<sup>2</sup>We decline to address the numerous issues that Amadou raises for the first time on appeal. See Flynn v. Chater, 107 F.3d 617, 620 (8th Cir. 1997).