

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

No. 08-3481

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|---------------------------------------|---|-------------------------------|
| Tommy Williams, Individually and as | * | |
| Surviving Partner of Gloria Williams, | * | |
| | * | |
| Appellant, | * | Appeal from the United States |
| | * | District Court for the |
| v. | * | Western District of Missouri. |
| | * | |
| American Family Mutual Insurance | * | [UNPUBLISHED] |
| Company, | * | |
| | * | |
| Appellees. | * | |

Submitted: February 10, 2010
Filed: February 16, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

In this diversity action against American Family Mutual Insurance Company (American Family), Tommy Williams appeals the District Court's¹ adverse grant of summary judgment based on res judicata. Proceeding pro se on appeal following his attorney's suspension from this court's bar, Williams contends that his attorney failed to prosecute his prior state court case, which resulted in a final adverse judgment on

¹The Honorable Fernando J. Gaitan, Chief Judge, United States District Court for the Western District of Missouri.

the merits of virtually identical claims. After careful de novo review, Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006), we find no basis for reversal. See Niere v. St. Louis County, Missouri, 305 F.3d 834, 837–838 (8th Cir. 2002) (elements of res judicata under Missouri law); cf. Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988) (no constitutional right to effective assistance of counsel in civil case; remedy is malpractice claim). Accordingly, we affirm.
