

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

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No. 11-1671

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Billy Tyler,

Appellant,

v.

Environmental Protection Agency,

Appellee.

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

[UNPUBLISHED]

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Submitted: August 23, 2011

Filed: August 29, 2011

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Before LOKEN, BYE, and COLLOTON, Circuit Judges.

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PER CURIAM.

Billy Tyler appeals the district court's<sup>1</sup> dismissal of his claim under the Comprehensive Environmental Response, Compensation, and Liability Act against the Environmental Protection Agency. After careful de novo review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000), we conclude that the court properly dismissed the claim because Tyler failed to allege that he had provided written notice

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<sup>1</sup>The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

to the EPA of his intent to sue, as CERCLA requires, see 42 U.S.C. § 9659(a)(2), even after he was allowed to amend his complaint to cure this defect. Accordingly, the judgment of the district court is affirmed.

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