

United States Court of Appeals
For the Eighth Circuit

No. 12-1157

Donald K. Alexander

Plaintiff - Appellant

v.

Boone Hospital Center; William A. Hawkins; Susan Alpert; Kathleen Erickson DiGiorno; Stephen N. Oesterle; Gary Ellis; Brian Rysdam; Medtronic, Inc.; Daniel Rothery; Missy Arnold; Nancy Tune

Defendants - Appellees

No. 12-1298

Donald K. Alexander

Plaintiff - Appellant

v.

William A. Hawkins; Susan Alpert;
Kathleen Erickson DiGiorno;
Stephen Oesterle; Gary Ellis;
Brian Rysdam; and Medtronic, Inc.

Defendants - Appellees

Appeals from United States District Court
for the District of Minnesota - Minneapolis

Submitted: June 28, 2012
Filed: November 5, 2012
[Unpublished]

Before BYE, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Donald Alexander filed a civil action in the Western District of Missouri seeking damages under 18 U.S.C. § 1964(c). The case was transferred to the District of Minnesota, which was presiding over related multidistrict litigation. The District of Minnesota¹ severed and dismissed some defendants from the action based on a settlement between the parties. The claims against the remaining defendants were remanded to the Western District of Missouri,² which ultimately granted the remaining defendants' motion to dismiss. Alexander filed in both courts motions under Federal Rule of Civil Procedure 60(b) to set aside the settlement-based dismissal. The Western District of Missouri declined to rule on the motion; the District of Minnesota denied it on the merits. In these consolidated appeals, Alexander challenges the Western District of Missouri's dismissal, and argues that only the Western District of Missouri, not the District of Minnesota, had jurisdiction to rule on his Rule 60 motion.

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

²The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

We agree with the Western District of Missouri that Alexander's section 1964(c) claim failed for the reasons stated by that court. We also conclude the District of Minnesota retained jurisdiction to consider his Rule 60 motion, and thus the Western District of Missouri did not err by declining to do so. See 28 U.S.C. § 1407(a); J.P.M.L. R. 10.1(a). Accordingly, we affirm the judgments of the district courts. See 8th Cir. R. 47B.
