

No. 12-1269

[UNPUBLISHED]

Appellate Case: 12-1269 Page: 1 Date Filed: 08/03/2012 Entry ID: 3938837 [Dockets.Justia.com](#)

Stuart Auld appeals the district court's¹ dismissal of the civil action he brought after he was removed from his position with the Bureau of Land Management. Although he asserted numerous claims under a variety of legal theories, he essentially challenged the merits of his termination, and we conclude that he could not seek review of that personnel action in the district court. See 5 U.S.C. §§ 4303, 7511-7513, 7701, 7703 (Civil Service Reform Act (CSRA) procedures for contesting removal, including, for some service categories, appeal to Merit Systems Protection Board and judicial review in Federal Circuit); United States v. Fausto, 484 U.S. 439, 446-50, 455 (1988) (discussing CSRA provisions for administrative and judicial review of personnel actions, and exclusion of certain civil servants from such provisions); Hastings v. Wilson, 516 F.3d 1055, 1058 (8th Cir. 2008) (de novo review).

We also conclude that the district court did not err by denying Auld a default judgment, see Fed. R. Civ. P. 12(b), by dismissing the action before a trial, see Duncan v. Dep't of Labor, 313 F.3d 445, 447 (8th Cir. 2002) (per curiam), or by denying Auld leave to reassert his claims in light of proposed legislation, see Crest Constr. II, Inc. v. Doe, 660 F.3d 346, 358 (8th Cir. 2011).

Accordingly, we affirm the judgment. See 8th Cir. R. 47B. We deny Auld's motion to strike appellees' brief.

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.