

United States Court of Appeals
For the Eighth Circuit

No. 14-2175

Benjamin Mario Soto

Plaintiff - Appellant

v.

Minnesota Bureau of Criminal Apprehension

Defendant - Appellee

U.S. Equal Employment Opportunity Commission

Defendant

John Does 1-5, each individually and in their official capacities as officials and employees of the Minnesota Bureau of Criminal Apprehension

Defendants - Appellees

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

Submitted: October 27, 2014

Filed: November 3, 2014

[Unpublished]

Before COLLTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Benjamin Soto appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action. Upon careful review, we conclude that the district court did not err in dismissing Soto's claims. See Palmer v. Ill. Farmers Ins. Co., 666 F.3d 1081, 1083 (8th Cir. 2012) (de novo review of grant of motion to dismiss); Mulvenon v. Greenwood, 643 F.3d 653, 657 (8th Cir. 2011) (person must have legitimate claim of entitlement to his employment to have property interest in it). In addition, to the extent Soto attempts to assert on appeal a claim under the Americans with Disabilities Act, we decline to consider it. See Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 849 (2014) (appellate court does not address legal or factual claims presented for first time on appeal).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Soto's pending motions.

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Steven E. Rau, United States Magistrate Judge for the District of Minnesota.