

United States Court of Appeals
For the Eighth Circuit

No. 14-3515

Dim Njaka

Plaintiff - Appellant

v.

Michael D. Kennedy; Pamela-Jeanne Moran; Dana K. Bilyeu; Thomas K. Emswiler; Ronald D. McCray; David A. Jones; Terrence A. Duffy; Megan J. Brennan;¹ Gregory T. Long; Thomas E. Perez,² Secretary of Labor; Sharon Malmborg

Defendants - Appellees

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

Submitted: October 30, 2015

Filed: November 4, 2015

[Unpublished]

Before WOLLMAN, BYE, and GRUENDER, Circuit Judges.

¹Megan J. Brennan has been appointed to serve as Postmaster General, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

²Thomas E. Perez has been appointed to serve as Secretary of Department of Labor, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

PER CURIAM.

Dim Njaka appeals the district court's³ order granting defendants' motion to dismiss his lawsuit under the Federal Employees' Retirement System Act. Upon de novo review, see Hopkins v. City of Bloomington, 774 F.3d 490, 491-92 (8th Cir. 2014), we agree with the district court that dismissal was proper. We deny as moot his challenge to the denial of his motion for a preliminary injunction. The judgment of the district court is affirmed.⁴ See 8th Cir. R. 47B.

³The Honorable John R. Tunheim, Chief Judge, United States District Court for the District of Minnesota, adopting the report and recommendations of the Honorable Jeanne J. Graham, United States Magistrate Judge for the District of Minnesota, now retired.

⁴We decline to address the new matters and evidence Njaka offers on appeal. See Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004).