

United States Court of Appeals
For the Eighth Circuit

No. 15-2880

David Anthony Stebbins

Plaintiff - Appellant

v.

Boone County, Arkansas; Sheriff Danny Hickman

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Harrison

Submitted: June 30, 2016

Filed: July 14, 2016

[Unpublished]

Before COLLOTON, GRUENDER, and KELLY, Circuit Judges.

PER CURIAM.

David Anthony Stebbins appeals the district court's¹ dismissal of his Americans with Disabilities Act and 42 U.S.C. § 1983 action, following a two-day evidentiary hearing; and the district court's² earlier partial grant of judgment on the pleadings. We have carefully considered Stebbins's arguments for reversal, and we find no error in the partial grant of judgment on the pleadings, see McIvor v. Credit Control Servs., Inc., 773 F.3d 909, 912-13 (8th Cir. 2014) (de novo review; complaint must contain sufficient facts which, accepted as true, state claim to relief that is plausible on its face); or in the post-hearing dismissal of the remaining claims, see Johnson v. Bi-State Justice Ctr., 12 F.3d 133, 135-36 (8th Cir. 1993) (where both sides offer evidence in hearing so procedure resembles summary judgment motion with live evidence, standard is whether evidence is so one-sided that one party prevails as matter of law); Moody v. St. Charles County, 23 F.3d 1410, 1412 (8th Cir. 1994) (to survive summary judgment, plaintiff must substantiate allegations with sufficient probative evidence that would permit finding in his favor). The judgment of the district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, now retired.

²The Honorable P. K. Holmes, III, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, now retired.