

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 15-3624

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Leonard Noble

*Plaintiff - Appellant*

v.

Gunner Delay, Prosecuting Attorney, Sebastian County; Daniel Shue, Deputy  
Prosecuting Attorney, Sebastian County

*Defendants - Appellees*

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Appeal from United States District Court  
for the Western District of Arkansas - Ft. Smith

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Submitted: July 7, 2016  
Filed: July 14, 2016  
[Unpublished]

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Before COLLOTON, GRUENDER, and KELLY, Circuit Judges.

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PER CURIAM.

Leonard Noble appeals after the district court<sup>1</sup> dismissed his 42 U.S.C. § 1983 complaint and denied his discovery-related motion. After careful review, we conclude that the dismissal was proper, *see Gunter v. Farmers Ins. Co.*, 736 F.3d 768, 771 (8th Cir. 2013) (grant of motion to dismiss for failure to state claim is reviewed de novo), and that Noble was appropriately denied an opportunity to conduct discovery, *see Steinbuch v. Cutler*, 518 F.3d 580, 591 (8th Cir. 2008) (court did not abuse its discretion by refusing to allow discovery where complaint lacked sufficient allegations to state claim). The judgment is affirmed. *See* 8th Cir. R. 47B.

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<sup>1</sup>The 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 Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas.