

United States Court of Appeals
For the Eighth Circuit

No. 15-3819

Charles Swift

Plaintiff - Appellant

v.

Kyler

Defendant - Appellee

Schmadeder, Chief of police; Corhart, Omaha Police

Defendants

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: May 23, 2016

Filed: May 26, 2016

[Unpublished]

Before SMITH, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Charles Swift appeals following the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Upon de novo review and careful consideration of Swift's arguments for reversal, we conclude that the 28 U.S.C. § 1915(e)(2)(B) dismissal of Swift's claims against the City of Omaha was proper, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam); and that Swift created no jury questions on his claims against Richard Kyler, a police officer, see Moody v. St. Charles County, 23 F.3d 1410, 1412 (8th Cir. 1994) (party seeking to defeat summary judgment must substantiate allegations with sufficient probative evidence permitting finding in his favor). The judgment of the district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable John M. Gerrard, United States District Judge for the District of Nebraska.