

United States Court of Appeals
For the Eighth Circuit

No. 16-1202

Robert M. Bry

Plaintiff - Appellant

v.

City of Frontenac, Missouri; Jeremy Newton; James Ford; Matthew Loveless;
Brian Wuertz; Matthew Brune; Timothy Barnett; Rex Baumgartner

Defendants - Appellees

Megan Julian

Movant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: November 10, 2016

Filed: November 16, 2016

[Unpublished]

Before SMITH, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Robert M. Bry appeals after the District Court¹ granted summary judgment to defendants in his 42 U.S.C. § 1983 action. We affirm. See Gray v. FedEx Ground Package Sys., Inc., 799 F.3d 995, 999 (8th Cir. 2015) (“We review grants of summary judgment de novo, viewing the facts in the light most favorable to the nonmoving party.”).

First, we conclude that the District Court did not abuse its discretion in denying Bry’s motions for sanctions. See Strutton v. Meade, 668 F.3d 549, 559 (8th Cir. 2012) (concluding that the decision not to impose sanctions was not an abuse of the district court’s considerable discretion where the destruction of evidence, while intentional, did not necessarily reflect a fraudulent intent to suppress the truth), cert. denied, 133 S. Ct. 124 (2012). Second, Bry offers no valid basis for overturning the well-reasoned determination that the record showed that the defendant police officers had at least arguable probable cause to arrest Bry. See Amrine v. Brooks, 522 F.3d 823, 832 (8th Cir. 2008) (“Officers may also be entitled to qualified immunity if they arrest a suspect under the mistaken belief that they have probable cause to do so, provided that the mistake is objectively reasonable.”).² Accordingly, we affirm the judgment of the District Court, and we deny as moot appellees’ motion to file a sur-reply to Bry’s reply brief.

¹The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri.

²Bry has abandoned his claims against the City of Frontenac, as well as his conspiracy and state-law claims, by not briefing this Court on why dismissal of those claims was improper. See Hess v. Ables, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013).