

United States Court of Appeals
For the Eighth Circuit

No. 17-2224

Taofeek A. Quadri

Plaintiff - Appellant

v.

United States of America; Mark T. Esper, Secretary of the Army¹

Defendants - Appellees

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

Submitted: January 3, 2018

Filed: January 11, 2018

[Unpublished]

Before BENTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Taofeek A. Quadri brought an employment-discrimination action against the Secretary of the Army. The district court concluded that Quadri's claims were

¹Mark T. Esper has been appointed to serve as Secretary of the Army, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

nonjusticiable under *Feres v. United States*, 340 U.S. 135, 146 (1950), and dismissed the action with prejudice. On appeal, Quadri contends only that the dismissal should have been without prejudice. Having jurisdiction under 28 U.S.C. § 1291, this court agrees. *See Hupp v. U.S. Dep't of Army*, 144 F.3d 1144, 1148 (8th Cir. 1998); *Wood v. United States*, 968 F.2d 738, 740 (8th Cir. 1992).

The judgment is modified to be a dismissal without prejudice, and is otherwise undisturbed. *See* 8th Cir. R. 47B. The pending motion for a stay is denied.
