

United States Court of Appeals
For the Eighth Circuit

No. 17-2375

Jaysen McCleary; Bela Animal Legal Defense and Rescue

Plaintiffs - Appellants

v.

City of Des Moines; Scott Sanders; Jeffrey Lester; Katharine Massier; Dana Wingert; James Butler; Ryan Mann; Doe, Officer; Thomas Starbuck; Linda Lane; Ann Morgan; Jeff Morgan

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: July 5, 2018
Filed: July 11, 2018
[Unpublished]

Before WOLLMAN, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Plaintiffs Jaysen McCleary and Bela Animal Legal Defense and Rescue appeal after the district court¹ entered a post-remand order denying their requests for default judgment and for sanctions. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court concludes that the district court did not abuse its discretion in denying plaintiffs' request for default judgment. *See Weitz Co. LLC v. MacKenzie House, LLC*, 665 F.3d 970, 977 (8th Cir. 2012) (standard of review); *Spirtas Co. v. Nautilus Ins. Co.*, 715 F.3d 667, 670-71 (8th Cir. 2013) (noting that this court may affirm on any basis supported by record); *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 784 (8th Cir. 1998) (setting forth factors court considers in determining whether to set aside entry of default). The district court did not abuse its discretion in denying plaintiffs' request for sanctions. *See Exec. Air Taxi Corp. v. City of Bismarck*, 518 F.3d 562, 570-71 (8th Cir. 2008) (standard of review).

The judgment is affirmed.

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.