

United States Court of Appeals
For the Eighth Circuit

No. 19-2739

William L. Deuerlein

Plaintiff - Appellant

v.

Nebraska Child Protective Services; Dana D. Sears; Nelson G. Natalie; Kirk
Kapperman; Anne Paine; Dana Devries Gellerman; Kevin Urbom; Bob Rogers;
Daelene Rogers

Defendants - Appellees

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

Submitted: February 7, 2020

Filed: February 12, 2020

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

William Deuerlein appeals the district court's¹ dismissal of his pro se action. Upon careful review, we affirm. See Kaden v. Slykhuis, 651 F.3d 966, 968 (8th Cir. 2011) (per curiam) (de novo review of dismissal under 28 U.S.C. § 1915); Ginters v. Frazier, 614 F.3d 822, 825 (8th Cir. 2010) (de novo review of district court's issue preclusion determination). We agree that Deuerlein did not have a private right of action under the criminal statute he cited, see Andrews v. Heaton, 483 F.3d 1070, 1076 (10th Cir. 2007) (18 U.S.C. § 371 is criminal statute that does not provide private right of action); and that his 42 U.S.C. § 1983 claims were precluded by the district court's prior dismissal of the same claims for lack of subject matter jurisdiction. See Ginters, 614 F.3d at 825 (issue preclusion doctrine applies to question of subject matter jurisdiction); Robinette v. Jones, 476 F.3d 585, 589 (8th Cir. 2007) (requirements for issue preclusion). We also find that the court did not abuse its discretion in denying Deuerlein's post-judgment motion.

The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.