

United States Court of Appeals
For the Eighth Circuit

No. 19-3642

Aaron Dalton

Plaintiff - Appellant

v.

Simonson Station Stores, Inc.; Bemidji Management Company L.L.C.

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: November 17, 2020

Filed: December 2, 2020

[Unpublished]

Before COLLOTON, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Aaron Dalton appeals following the district court's¹ adverse grant of summary judgment in his Americans with Disabilities Act (ADA) action. Upon careful de novo

¹The Honorable Susan Richard Nelson, United States District Judge for the District of Minnesota.

review, see Disability Support All. v. Heartwood Enters., LLC, 885 F.3d 543, 545 (8th Cir. 2018) (standard of review), we agree that Dalton lacked standing to pursue injunctive relief. Specifically, Dalton failed to show that he would visit defendants' gas station in the imminent future but for the alleged architectural barriers, as he admitted that his only visits to the station were his initial visit and a court-ordered inspection; the station was 145 miles from his home; he presented no evidence regarding the frequency or purpose of his trips to the area; and he provided evidence of only vague plans to return to the station in the future. See Lujan v. Defs. of Wildlife, 504 U.S. 555, 564 (1992) (affiants' intent to return to previously visited places were "some day" intentions, which--without description of concrete plans--did not support finding of imminent injury required to establish standing in suit for injunctive relief).

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