

United States Court of Appeals
For the Eighth Circuit

No. 20-1967

Frank C. Warner

Plaintiff - Appellant

v.

U.S. Department of Education, Phil Rosenfelt, Acting Secretary¹

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Northern

Submitted: February 3, 2021

Filed: February 9, 2021

[Unpublished]

Before KELLY, MELLOY, and GRASZ, Circuit Judges.

PER CURIAM.

¹Phil Rosenfelt has been appointed to serve as Acting Secretary of the Department of Education, and is substituted pursuant to Federal Rule of Appellate Procedure 43(c).

Frank Warner appeals the district court's² adverse grant of summary judgment in his action appealing the Department of Education's (DOE's) administrative decision upholding the validity of his student loan. Upon careful review, we affirm. See El Dorado Chem. Co. v. U.S. Env't Prot. Agency, 763 F.3d 950, 955 (8th Cir. 2014) (de novo review of district court's decision whether agency action violates Administrative Procedure Act; reviewing court shall uphold agency action unless it is arbitrary and capricious). We agree that the DOE's decision finding Warner's loan enforceable was not arbitrary and capricious, as the administrative record established the loan's existence, assignment to the DOE, and default status. See United States v. Petroff-Kline, 557 F.3d 285, 290 (6th Cir. 2009) (to recover on promissory note, government must show that defendant signed it, government is present owner or holder, and note is in default). We also find that the district court did not abuse its discretion in denying Warner's motion to strike, see Waldoch v. Medtronic, Inc., 757 F.3d 822, 829 (8th Cir. 2014) (standard of review); Sierra Club v. U.S. Army Corps of Eng'rs, 771 F.2d 409, 413 (8th Cir. 1985) (existing administrative record may be supplemented by affidavits or other explanatory proof); or exhibit bias in its ruling, see Liteky v. United States, 510 U.S. 540, 555 (1994) (judicial rulings alone almost never constitute valid basis for finding of bias).

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

²The Honorable D.P. Marshall Jr., Chief Judge, United States District Court for the Eastern District of Arkansas.