

United States Court of Appeals
For the Eighth Circuit

No. 22-1657

Theodore J. Thompson

Plaintiff - Appellant

v.

Proctor & Associates; Willard Proctor, Jr., Esq.; Does, 1-10

Defendants - Appellees

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

Submitted: September 29, 2022

Filed: November 10, 2022

[Unpublished]

Before COLLOTON, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Theodore Thompson appeals the district court's¹ dismissal of his pro se action and denial of his post-judgment motion. After careful review of the record and the

¹The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.

parties' arguments on appeal, we conclude the district court did not err in dismissing the case without granting leave to amend. *See Wolgin v. Simon*, 722 F.2d 389, 395 (8th Cir. 1983) (stating party must submit proposed amendment along with motion for leave to amend in order to preserve right to amend complaint). Assuming the district court erred in considering the documents provided at the court's request, we conclude any such error was harmless, as Thompson failed to state a claim. *See Fed. R. Civ. P. 61* (harmless error rule); *Greenman v. Jessen*, 787 F.3d 882, 887 (8th Cir. 2015) (standard of review); *see also Evans v. Hamby*, 378 S.W.3d 723, 727 (Ark. 2011) (requiring plaintiff in legal malpractice case to show that, but for alleged negligence of attorney, result of underlying action would have been different). Finally, we conclude the district court did not abuse its discretion in denying Thompson's post-judgment motion. *See Peterson v. Travelers Indem. Co.*, 867 F.3d 992, 997 (8th Cir. 2017) (standard of review). Accordingly, we affirm.
