



Chambers v. Pennycook

2010 | Cited 0 times | Eighth Circuit | February 23, 2010

[UNPUBLISHED]

Submitted: February 16, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

In this appeal after remand in his 42 U.S.C. § 1983 action, Kevin Chambers challenges the district court's¹ adverse grant of summary judgment in favor of the remaining defendants on his claims of excessive use of force and state-law assault and battery. Upon careful review, we conclude that the district court did not err in ruling on the remaining defendants' summary judgment motions despite Chambers's pending interlocutory appeal, see *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam) (filing of notice of appeal, including interlocutory appeal, confers jurisdiction on court of appeals and divests district court of control over "those aspects of the case involved in the appeal"), and we find no basis for reversal, see *Andrews v. Fuoss*, 417 F.3d 813, 818 (8th Cir. 2005) (affirming district court's grant of summary judgment where officer administered "forceful blow" in arresting plaintiff, but plaintiff's evidence showed only minor injuries and temporary and slight aggravation of pre-existing conditions; plaintiff's injuries were "precisely the type of de minimis injuries that preclude a claim for excessive force"); *Franklin v. Zain*, 152 F.3d 783, 786 (8th Cir. 1998) (court may decline to exercise jurisdiction over state-law claims if it has dismissed federal claims; affirming dismissal of those claims without prejudice); see also *Johnson v. Blaukat*, 453 F.3d 1108, 1112 (8th Cir. 2006) (summary judgment decision reviewed de novo).

Accordingly, we affirm. See 8th Cir. R. 47B.

1. The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

