

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 07-2036

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David L. Hering,

Appellant,

v.

Iowa State Patrol; Trooper Robert  
Smith; Trooper Michael McVeigh,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* Southern District of Iowa.  
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\* [UNPUBLISHED]  
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Submitted: August 7, 2009  
Filed: August 13, 2009

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Before BYE, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Iowa inmate David Hering appeals from the district court's<sup>1</sup> adverse judgment in his 42 U.S.C. § 1983 action. After de novo review, *see Ramlet v. E.F. Johnson Co.*, 507 F.3d 1149, 1152 (8th Cir. 2007); *Allen v. Purkett*, 5 F.3d 1151, 1153 (8th Cir. 1993) (per curiam), we conclude the district court did not err in granting judgment in favor of appellees. We also conclude the court did not abuse its discretion in denying

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<sup>1</sup>The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

Hering leave to amend his complaint. *See Roberson v. Hayti Police Dep't*, 241 F.3d 992, 995 (8th Cir. 2001). Accordingly, we affirm. *See* 8th Cir. R. 47B.

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