

1/31-19

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 18-3015

Thomas Edward Nesbitt

Plaintiff - Appellant

v.

Scott Frakes

Defendant - Appellee

Appeal from U.S. District Court for the District of Nebraska - Lincoln
(4:18-cv-03057-RGK)

JUDGMENT

Before COLLTON, SHEPHERD and ERICKSON, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of
appealability. The court has carefully reviewed the original file of the district court, and the
application for a certificate of appealability is denied. The appeal is dismissed.

Appellant's motion for appointment of counsel is denied as moot.

January 28, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans



4-1-19

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Appellee

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ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

March 27, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

