

United States Court of Appeals
For the Eighth Circuit

No. 20-2817

Jeffrey Ryan Simmermaker

Plaintiff - Appellant

v.

Cedar County Sheriff's Department; Tipton Police Department; Bradley Peck,
Officer, Tipton Police Department

Defendants - Appellees

Muscatine County Drug Task Force

Defendant

Matt Jackson; Mayor of Tipton; Lisa Kepford; Warren Wethington; John Does,
I-3; Cedar County Iowa; City of Tipton

Defendants - Appellees

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: June 15, 2021
Filed: June 18, 2021
[Unpublished]

Before BENTON, WOLLMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Jeffrey Simmermaker appeals following the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. After a careful review, we conclude that the district court did not err in granting judgment for the defendants. See Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006) (grant of summary judgment is reviewed de novo); Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (preservice dismissal is reviewed de novo). Accordingly, we affirm, see 8th Cir. R. 47B, and we deny Simmermaker's pending motion.

¹The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.

**United States Court of Appeals
For The Eighth Circuit**
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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June 18, 2021

Mr. Jeffrey Ryan Simmermaker
FEDERAL CORRECTIONAL INSTITUTION
09380-029
P.O. Box 6000
Florence, CO 81226-0000

RE: 20-2817 Jeffrey Simmermaker v. Cedar County Sheriff's Dept., et al

Dear Mr. Simmermaker:

The court today issued an opinion in this case. Judgment in accordance with the opinion was also entered today. The opinion will be released to the public at 10:00 a.m. today. Please hold the opinion in confidence until that time.

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 45 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant, for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 45 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

CMD

Enclosure(s)

cc: Mr. Clerk, U.S. District Court, Northern Iowa
Mr. Carlton G. Salmons
Mr. Michael Craig Walker

District Court/Agency Case Number(s): 1:18-cv-00049-LTS

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-2817

Jeffrey Ryan Simmermaker

Plaintiff - Appellant

v.

Cedar County Sheriff's Department; Tipton Police Department; Bradley Peck, Officer, Tipton Police Department

Defendants - Appellees

Muscatine County Drug Task Force

Defendant

Matt Jackson; Mayor of Tipton; Lisa Kepford; Warren Wethington; John Does, I-3; Cedar County Iowa; City of Tipton

Defendants - Appellees

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:18-cv-00049-LTS)

JUDGMENT

Before BENTON, WOLLMAN, and SHEPHERD, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

June 18, 2021

**Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.**

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT
 for the
Northern District of Iowa

<u>JEFFREY RYAN SIMMERMAKER,</u> <i>Plaintiff</i> v. <u>CEDAR COUNTY SHERIFF'S DEPT et al.,</u> <i>Defendant</i>)))))) Civil Action No. C18-0049-LTS
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JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

the plaintiff (name) _____ recover from the defendant (name) _____ the amount of _____ dollars (\$ _____), which includes prejudgment interest at the rate of _____ %, plus post judgment interest at the rate of _____ % per annum, along with costs.

the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) _____ recover costs from the plaintiff (name) _____

other: Plaintiff take nothing and this action is dismissed.

This action was (check one):

tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

tried by Judge _____ without a jury and the above decision was reached.

decided by Leonard T. Strand, Chief Judge on motions for
 Summary Judgment

Date: 8/04/2020

ROBERT L. PHELPS, CLERK OF COURT

By: /s/ des, Deputy Clerk

Signature of Clerk or Deputy Clerk

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-2817

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Appellant

v.

Cedar County Sheriff's Department, et al.

Appellees

Muscatine County Drug Task Force

Matt Jackson, et al.

Appellees

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:18-cv-00049-LTS)

ORDER

The petition for rehearing by the panel is denied.

August 20, 2021

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

/s/ Michael E. Gans