

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 20-2817

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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*

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

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Submitted: June 15, 2021

Filed: June 18, 2021

[Unpublished]

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Before BENTON, WOLLMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Jeffrey Simmermaker appeals following the district court's<sup>1</sup> 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.

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<sup>1</sup>The 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 24.329  
**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

**VOICE (314) 244-2400**  
**FAX (314) 244-2780**  
**[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)**

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**

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No: 20-2817

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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

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

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**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.

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/s/ Michael E. Gans

UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

JEFFREY RYAN SIMMERMAKER,

*Plaintiff*

v.

CEDAR COUNTY SHERIFF'S DEPT et al,

*Defendant*

Civil Action No. C18-0049-LTS

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

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

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**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.

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/s/ Michael E. Gans