

No. 11-2558

Counter Defendant.

[UNPUBLISHED]

Submitted: February 3, 2012
Filed: February 15, 2012

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Following the adverse resolution of his civil action, Curtis Neeley appeals the district court's¹ dismissal of certain claims, and the court's refusal to allow amendment of his complaint. Upon careful review, we conclude that dismissal of his 17 U.S.C. § 106A claims was proper for the reasons stated by the district court in its June 7, 2011 order denying Neeley's motion for reconsideration. We also conclude that the court did not abuse its discretion in denying Neeley further leave to amend after he filed a second amended complaint, as the proposed amendments he highlights on appeal would have been futile. See Dennis v. Dillard Dep't Stores, Inc., 207 F.3d 523, 525 (8th Cir. 2000). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

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

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February 15, 2012

Mr. Curtis James Neeley Jr.
123
2619 N. Quality Lane
Fayetteville, AR 72703

RE: 11-2558 Curtis Neeley, Jr. v. NameMedia, Inc., et al

Dear Mr. Neeley:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion. The opinion will be released to the public at 10:00a.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 14 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 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

SRD

Enclosure(s)

cc: Mr. H. William Allen
Ms. Jennifer H. Doan
Mr. Christopher R. Johnson
Mr. Robert L. Jones III
Ms. Kerri E. Kobbeman
Mr. Michael Henry Page
Mr. John Mark Scott
Mr. Joshua R Thane
Mr. Brooks C. White

District Court/Agency Case Number(s): 5:09-cv-05151-JLH