United States Court of Appeals
For the Eighth Circuit

No. 20-3217

Corey Fondren

Plaintiff - Appellant

v.

Michael White, Police Officer, Individual Capacity; Unknown Saul, Police Officer, Individual Capacity; Unknown Mason, Police Officer, Individual Capacity

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: May 19, 2021
Filed: May 25, 2021
[Unpublished]

Before LOKEN, MELLOY, and KOBES, Circuit Judges.

PER CURIAM.

Corey Fondren appeals the district court's[1] adverse grant of summary judgment in his pro se 42 U.S.C. § 1983 action. Having reviewed the record and the arguments on appeal, we conclude that Fondren has waived any challenge to the district court's ruling because he does not meaningfully challenge the district court's bases for granting the officers' unopposed summary judgment motion. See Ahlberg v. Chrysler Corp., 481 F.3d 630, 638 (8th Cir. 2007). To the extent he intended to challenge the district court's denial of his motion to be excused from his deposition after he voluntarily moved out of state during the proceedings, we discern no abuse of discretion. See Sheets v. Butera, 389 F.3d 772, 780 (8th Cir. 2004). We do not consider Fondren's arguments regarding the timing of the summary judgment motion and Officer Michael White's absence from Fondren's deposition, because Fondren raised those arguments for the first time on appeal without having raised them in the district court during the proceedings. See Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004). In any event, those arguments are contradicted by the record.

Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B.

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[1]The Honorable Jean C. Hamilton, United States District Judge for the Eastern District of Missouri.