

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 05-3335

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Dr. R.C. Samanta Roy Institute of  
Science and Technology, a Wisconsin  
non-stock corporation; Midwest Oil  
of Minnesota, LLC,

Appellants,

v.

The Star Tribune Company,  
f/k/a Cowles Media Company,  
d/b/a Star Tribune,

Appellee.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: October 6, 2006  
Filed: October 23, 2006

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Before SMITH, MAGILL, and BENTON, Circuit Judges.

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PER CURIAM.

The Dr. R.C. Samanta Roy Institute of Science and Technology and Midwest Oil of Minnesota, LLC appeal the district court's<sup>1</sup> dismissal of their 42 U.S.C. § 1981 action. We agree with the district court that plaintiffs did not state a section 1981

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<sup>1</sup>The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.

claim, based on the reasoning of *Phelps v. Wichita Eagle-Beacon*, 886 F.2d 1262, 1267 (10th Cir. 1989), and thus we affirm. *See* 8th Cir. R. 47B. We deny appellee's motion for summary dismissal of the appeal.

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