

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

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No. 07-2758

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Gary J. Werner,

Appellant,

v.

Fidelity Investments Life Insurance  
Company,

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: January 5, 2009  
Filed: January 23, 2009

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Before MELLOY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Gary Werner appeals the district court's<sup>1</sup> adverse grant of summary judgment in his civil action. After reviewing the record de novo, viewing the evidence in a light most favorable to Werner, see Lawyer v. City of Council Bluffs, 361 F.3d 1099, 1103 (8th Cir. 2004) (standard of review), we conclude that summary judgment was proper for the reasons stated by the district court. Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Carol E. Jackson, Chief Judge, United States District Court for the Eastern District of Missouri.