

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

No. 09-1807

William Eugene Leventhal,	*
	*
Appellee,	*
	*
v.	*
	*
Sgt. Daniel Schaffer,	*
	*
Appellant,	*
	*
Lt. Jeff Ritzman; Unknown Employees	*
in the Iowa State Patrol, Possibly	*
Additionally Involved,	*
	*
Defendants.	*

Submitted: February 11, 2010
Filed: February 17, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

This appeal arises from an action brought pro se by William Eugene Leventhal under 42 U.S.C. § 1983 and the Iowa Tort Claims Act (ITCA), against employees of the Iowa State Patrol, Sergeant Daniel Schaffer and Lieutenant Jeff Ritzman, arising out of Leventhal's arrest and handcuffing for the crime of disorderly conduct during the Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI). In ruling on the

defendants' motion to dismiss and motion for summary judgment, the district court¹ dismissed all claims against defendants except for Leventhal's claim against Schaffer under section 1983 for arresting him without probable cause. On that claim, the court found a triable issue of fact and rejected Schaffer's argument that he was, as a matter of law, entitled to qualified immunity. See Leventhal v. Schaffer, 612 F. Supp. 2d 1026, 1042-46 (N.D. Iowa 2009). Schaffer now brings this interlocutory appeal. Having carefully reviewed the parties' briefs, the record, and the applicable law, we affirm on the basis of the district court's thorough opinion. See 8th Cir. R. 47B. We overrule Leventhal's objection to our deciding the case without oral argument, and we deny his motion to supplement the record.

¹The Honorable Mark Bennett, United States District Judge for the Northern District of Iowa, adopting in part the report and recommendations of the Honorable Paul A. Zoss, United States Magistrate Judge for the Northern District of Iowa.