

United States Court of Appeals
For the Eighth Circuit

No. 12-3946

David DeWayne Ockerman

Plaintiff - Appellant

v.

Ryan Baker, Police Officer, Sherwood Police Department

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: August 26, 2013

Filed: August 29, 2013

[Unpublished]

Before SMITH, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

David Ockerman filed a 42 U.S.C. § 1983 complaint claiming that police officer Ryan Baker used excessive force by shooting him during his arrest. Baker

moved for summary judgment, and Ockerman did not respond. The district court¹ granted Baker summary judgment on the merits, concluding that no constitutional violation occurred. The court found that the force Baker used was objectively reasonable given the threat Ockerman posed to him, as Ockerman was holding a knife during their encounter. Ockerman moved for reconsideration, which the district court denied. He appeals.

After de novo review, see Lieffort v. Dakota, Minn. & E. R.R. Co., 702 F.3d 1055, 1057 (8th Cir. 2013), we agree that summary judgment was proper for the reasons the district court stated; and we find no abuse of discretion in the denial of reconsideration, see Cont'l Holdings, Inc. v. Crown Holdings Inc., 672 F.3d 567, 574 (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.