

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

No. 07-3413

Leta Anthony; Stephan Pettus; Aretha Ward; Nicole Winstead,

Plaintiffs,

R. S. McCullough, On Behalf of
Themselves and all others similarly
situated,

Appellant,

V.

Mark Stodola, Individual and Official Capacity; Tom Carpenter, Individual and Official Capacity; City of Little Rock; Stacy Hurst, Individual and Official Capacity; Brad Cazort, Individual and Official Capacity; Michael Keck, Individual and Official Capacity; Doris Wright, Individual and Official Capacity; Dean Kumpuris, Individual and Official Capacity; Gene Fortson, Individual and Official Capacity,

Appellees,

Kent Walker, Individual and Official
Capacity; Ozell Snider, Individual and
Official Capacity; Susan Inman,
Individual and Official Capacity,

Defendants,

Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Mike Beebe, Individual and Official	*
Capacity; State of Arkansas,	*
	*
Appellees,	*
	*
Martha McCaskill, Individual and	*
Official Capacity,	*
	*
Defendants.	*

Submitted: June 4, 2009
Filed: July 27, 2009

Before RILEY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

R.S. McCullough challenges the district court's¹ dismissal of his civil action for lack of standing. After de novo review, *see St. Paul Area Chamber of Commerce v. Gaertner*, 439 F.3d 481, 484 (8th Cir. 2006) (standard of review), we agree that he lacked standing, *see Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61, 573-74 (1992) (party invoking federal jurisdiction bears burden of establishing standing elements; recognizing that plaintiff who raises only generally available grievance about government does not state Article III case or controversy); *cf. Shaw v. Hunt*, 517 U.S. 899, 904 (1996) (plaintiff who resides in district which is subject of racial-gerrymander claim has standing to challenge legislation which created that district, but plaintiff from outside that district lacks standing absent specific evidence that he personally has been subjected to racial classification); *United States v. Hays*, 515 U.S. 737, 743-44 (1995) (rule against generalized grievances applies with as much force in equal protection context; if governmental actor is discriminating on basis of race,

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

resulting injury accords basis for standing only to those persons who are personally denied equal treatment by challenged discriminatory conduct); *Oti Kaga, Inc. v. S.D. Hous. Dev. Auth.*, 342 F.3d 871, 880 (8th Cir. 2003) (claimed injury runs afoul of prudential standing when its effects are indistinct from those felt by persons generally, thus depriving plaintiff of unique stake in controversy).

Accordingly, we affirm. *See* 8th Cir. R. 47B.

United States Court of Appeals
For The Eighth Circuit
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Clerk of Court

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July 27, 2009

Mr. R. S. McCullough
MCCULLOUGH LAW FIRM
P.O. Box 56530
Little Rock, AR 72215-6530

RE: 07-3413 R.S. McCullough v. Mark Stodola

Dear Counsel:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion. The opinion will be released to the public at 10:00a.m. today. Please hold the opinion in confidence until that time.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

CMD

Enclosure(s)

cc: Mr. Thomas Milton Carpenter
Mr. William Clark Mann III
Mr. Jim McCormack
Mr. Scott Paris Richardson

District Court/Agency Case Number(s): 4:07-cv-00682-WRW



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07/27/2009 09:34 AM

To

cc

bcc

Subject 07-3413 R.S. McCullough v. Mark Stodola "per curiam
opinion filed"

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Eighth Circuit Court of Appeals

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The following transaction was filed on 07/27/2009

Case Name: R.S. McCullough v. Mark Stodola

Case Number: [07-3413](#)

Document(s): [Document\(s\)](#)

Docket Text:

PER CURIAM OPINION FILED - THE COURT: WILLIAM JAY RILEY, LAVENSKI R. SMITH and DUANE BENTON (UNPUBLISHED) [3569936] [07-3413] (CMD)

The following document(s) are associated with this transaction:

Document Description:per curiam opinion filed

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[STAMP acecfStamp_ID=1105112566 [Date=07/27/2009] [FileNumber=3569936-0]
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449f0078e23c40a3c4eb54eb5a6669e88c079e1913ca65]]

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- [Mr. Mann, William Clark, III](#)

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The following information is for the use of court personnel:

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