

United States Court of Appeals
For the Eighth Circuit

No. 23-3223

James A. Daly

Plaintiff - Appellant

v.

City of DeSoto, Missouri; Jeff McCreary

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: June 24, 2024

Filed: June 27, 2024

[Unpublished]

Before LOKEN, GRUENDER, and STRAS, Circuit Judges.

PER CURIAM.

James Daly appeals following the district court's¹ adverse grant of summary judgment on his claims against his former employer, the City of DeSoto (the City),

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

alleging that he was retaliated against during his time as a sergeant with the City's police department, which ultimately culminated in his termination. Upon careful review, we conclude that summary judgment was proper. See Henry v. Johnson, 950 F.3d 1005, 1010 (8th Cir. 2020) (standard of review). As to the state-law retaliation claim, we agree with the district court that "the record lacks any instance or accumulation of events targeting Daly that a reasonable person objectively would consider so abusive or severe as to constitute an actionable hostile work environment." See Watson v. Heartland Health Labs., Inc., 790 F.3d 856, 864 (8th Cir. 2015); Thorn v. Amalgamated Transit Union, 305 F.3d 826, 831 (8th Cir. 2002). As to the First Amendment retaliation claim, we agree with the district court that Daly's termination was justified under the balancing test set out in Pickering v. Bd. of Educ., 391 U.S. 563 (1968), particularly as the City provided sufficient evidence that Daly's speech disrupted the City's operations. See Noon v. City of Platte Woods, 94 F.4th 759, 764 (8th Cir. 2024); Henry, 950 F.3d at 1012; Anzaldua v. Northeast Ambulance & Fire Prot. Dist., 793 F.3d 822, 835 (8th Cir. 2015). To the extent Daly also raised these claims against the chief of police in his official capacity, we conclude that the district court did not err in dismissing such claims as redundant. See King v. City of Crestwood, 899 F.3d 643, 650 (8th Cir. 2018); Rumery v. Outboard Marine Corp., 172 F.3d 531, 535 (8th Cir. 1999).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.
