

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3473

William Eugene Leventhal,

Appellant,

v.

Sgt. Daniel Schaffer,

Appellee,

Lt. Jeff Ritzman,

Defendant.

*
*
*
* Appeal from the United States
* District Court for the
* Northern District of Iowa.
*
* [UNPUBLISHED]
*
*
*
*
*
*

Submitted: June 7, 2011

Filed: June 9, 2011

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

William Leventhal appeals the district court's¹ judgment following a bench trial in his 42 U.S.C. § 1983 action against Sergeant Daniel Schaffer of the Iowa State Patrol. This court reviews the trial court's findings of fact for clear error and its conclusions of law de novo. See *Darst-Webbe Tenant Ass'n Bd. v. St. Louis Hous.*

¹The Honorable Mark Bennett, United States District Judge for the Northern District of Iowa.

Auth., 339 F.3d 702, 710-11 (8th Cir. 2003). The district court's factual findings are not clearly erroneous because they are supported by three witnesses' testimony. Based on these findings, Schaffer's belief that he had probable cause to arrest Leventhal for disorderly conduct was reasonable under the circumstances, entitling him to qualified immunity. *See Amrine v. Brooks*, 522 F.3d 823, 831 (8th Cir. 2008).

This court affirms. *See* 8th Cir. R. 47B.
