

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 23-2439

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John Burks

*Plaintiff - Appellant*

v.

City of Gladstone, Missouri; Gladstone Department of Public Safety; Police  
Officer Joshua East, In his individual and official capacity; Gladstone Chief of  
Police, In his official capacity

*Defendants - Appellees*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: January 24, 2024  
Filed: February 1, 2024  
[Unpublished]

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Before LOKEN, COLLOTON, and GRASZ, Circuit Judges.

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PER CURIAM.

John Burks appeals the district court's<sup>1</sup> adverse grant of summary judgment in his civil rights action alleging that his encounter with an officer of the City of Gladstone Police Department constituted an unreasonable seizure in violation of the Fourth Amendment. Upon careful review, we conclude that, under the totality of the circumstances, the encounter between Burks and the officer was consensual and, thus, did not implicate the Fourth Amendment. See Hovick v. Patterson, 37 F.4th 511, 516 (8th Cir. 2022); United States v. Lillich, 6 F.4th 869, 876 (8th Cir. 2021); Oglesby v. Lesan, 929 F.3d 526, 533 (8th Cir. 2019). To the extent Burks raised other claims in his complaint, we conclude that he waived them by not discussing them on appeal. See United States v. Azure, 539 F.3d 904, 912 (8th Cir. 2008).

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

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<sup>1</sup>The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.