

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Joshua Lee Close, Individually and as Administrator of the Estate of
Angela Marie Prichard; Colton Hancock, Individually v. City of
Bellevue Iowa; Dennis Schroeder; Ryan Kloft; Shelby Mutzl

Close v. City of Bellevue · No. 25-1287 · Decided June 24, 2026

SUMMARY

The Eighth Circuit affirmed dismissal of claims brought by the family of Angela Marie Prichard against the City of Bellevue, Iowa, and its police officers arising from the failure to protect her from her ex-husband. The court held that the alleged failure to protect did not state a substantive- or procedural-due-process claim, that Iowa's no-contact-order statute did not create a private right of action, and that the additional state-law claims were deficient. The court also affirmed denial of the plaintiffs' post-judgment motion to amend under Federal Rule of Civil Procedure 59(e).

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Stras, Circuit Judge; Benton, Circuit Judge; Grasz, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	June 24, 2026
DOCKET	25-1287
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the dismissal of their federal and Iowa-law claims and the denial of their post-judgment Rule 59(e) motion seeking leave to amend.
STANDARD OF REVIEW	The court reviewed the dismissal de novo and reviewed the denial of the Rule 59(e) motion for abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Joshua Lee Close, individually and as administrator of the estate of Angela Marie Prichard, Colton Hancock, individually v. City of Bellevue, Iowa, Dennis Schroeder, Ryan Kloft, Shelby Mutzl

TOPICS

substantive due process

procedural due process

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QUESTIONS PRESENTED

1. Whether the alleged failure of police officers and the City of Bellevue to protect Angela from private violence stated a substantive-due-process claim.
2. Whether Iowa's no-contact-order enforcement statute created a protected entitlement supporting a procedural-due-process claim.
3. Whether Iowa Code section 664A.6 created a private right of action against law-enforcement officers or the municipality.
4. Whether the Iowa Slayer Statute supported the plaintiffs' claims against the officers.
5. Whether the alleged failure to investigate or arrest Christopher constituted extreme and outrageous conduct sufficient for intentional infliction of emotional distress.
6. Whether the district court abused its discretion in denying the plaintiffs' Rule 59(e) motion seeking to amend the complaint.

HOLDINGS

1. The government's failure to protect an individual from private violence does not ordinarily violate substantive due process because substantive due process limits government action rather than guaranteeing safety or security. The complaint alleged omissions, not affirmative government action creating or increasing the danger, so the plaintiffs failed to state a claim.
2. Iowa Code section 664A.6 did not create a legitimate claim of entitlement to arrest or enforcement sufficient to support a procedural-due-process claim.
3. Iowa Code section 664A.6 does not create an implied private right of action against officers for failing to enforce a no-contact order.
4. Iowa's Municipal Tort Claims Act did not create or expand a cause of action against the City of Bellevue; it could waive immunity only to the extent another express statute recognized liability, and section 664A.6 did not recognize liability for the alleged omissions.
5. The Iowa Slayer Statute did not support the plaintiffs' claims because it prevents a person who intentionally and unjustifiably causes another's death from receiving property or benefits from the death; it does not create a wrongful-death recovery against officers who allegedly failed to protect the decedent.
6. The alleged failure to investigate or arrest Christopher did not constitute conduct sufficiently extreme and outrageous to state an Iowa intentional-infliction-of-emotional-distress claim.
7. The district court did not abuse its discretion in denying the plaintiffs' Rule 59(e) motion to amend because post-judgment amendment is governed by stringent Rule 59(e) standards, and the proposed new

allegations were previously available, added little substance, and would not have made the claims plausible.

KEY QUOTATIONS

“Courts cannot remedy every wrong.” (-2-)

“Substantive due process is a poor fit because the Supreme Court has described it as “a limitation on the State’s power to act, not . . . a guarantee of certain minimal levels of safety and security.”” (-3-)

“The failure-to-protect theory works no better through a procedural-due-process lens.” (-4-)

“A private right of action does not “automatically” spring from “a statutory duty,” much less one that never mentions the person attempting to sue.” (-7-)

“Freely given amendments, in other words, end once the district court enters judgment.” (-10-)

FACTUAL BACKGROUND

Angela Prichard was harassed and stalked by her ex-husband, Christopher, despite no-contact and restraining orders and repeated reports to police. Officers did not arrest Christopher for alleged violations of the orders, and Angela was killed by a gunshot wound after returning home. Her sons and estate sued the City of Bellevue and three officers, alleging federal and state-law liability based primarily on the failure to protect her.

PROCEDURAL HISTORY

After Angela Prichard was killed by her ex-husband, her sons, individually and on behalf of her estate, sued the City of Bellevue and three police officers, alleging that law enforcement failed to protect her. The district court dismissed the complaint for failure to state a claim and denied the plaintiffs' Rule 59(e) motion as untimely and futile. The Eighth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Far East Aluminium Works Co. v. Viracon, Inc., 27 F.4th 1361 (8th Cir. 2022)
- Rowles v. Curators of the University of Missouri, 983 F.3d 345 (8th Cir. 2020)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189 (1989)
- Montgomery v. City of Ames, 749 F.3d 689 (8th Cir. 2014)
- Hart v. City of Little Rock, 432 F.3d 801 (8th Cir. 2005)
- K.B. v. Waddle, 764 F.3d 821 (8th Cir. 2014)
- Anderson ex rel. Anderson v. City of Minneapolis, 934 F.3d 876 (8th Cir. 2019)
- Freeman v. Ferguson, 911 F.2d 52 (8th Cir. 1990)
- Town of Castle Rock v. Gonzales, 545 U.S. 748 (2005)

- *Matousek v. MidAmerican Energy Co.*, 51 F.4th 274 (8th Cir. 2022)
- *District of Columbia v. Wesby*, 583 U.S. 48 (2018)
- *Watson v. Boyd*, 119 F.4th 539 (8th Cir. 2024)
- *O'Bannon v. Town Court Nursing Center*, 447 U.S. 773 (1980)
- *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972)
- *Shumate v. Drake University*, 846 N.W.2d 503 (Iowa 2014)
- *State v. Boone*, 989 N.W.2d 645 (Iowa 2023)
- *Estate of McFarlin v. State*, 881 N.W.2d 51 (Iowa 2016)
- *Seeman v. Liberty Mutual Insurance Co.*, 322 N.W.2d 35 (Iowa 1982)
- *M.H. ex rel. Callahan v. State*, 385 N.W.2d 533 (Iowa 1986)
- *Mormann v. City of Manchester*, 27 N.W.3d 820 (Iowa 2025)
- *Kascoutas v. Federal Life Insurance Co.*, 179 N.W. 133 (Iowa 1920)
- *Harsha v. State Savings Bank*, 346 N.W.2d 791 (Iowa 1984)
- *Estate of Fields by Fields v. Shaw*, 954 N.W.2d 451 (Iowa Ct. App. 2020)
- *Lennette v. State*, 975 N.W.2d 380 (Iowa 2022)
- *City of Houston v. Hill*, 482 U.S. 451 (1987)
- *Jung v. General Casualty Co. of Wisconsin*, 651 F.3d 796 (8th Cir. 2011)
- *Drobnak v. Andersen Corp.*, 561 F.3d 778 (8th Cir. 2009)
- *In re SuperValu, Inc.*, 925 F.3d 955 (8th Cir. 2019)
- *Tukaye v. Troup*, 157 F.4th 958 (8th Cir. 2025)
- *Hawks v. J.P. Morgan Chase Bank*, 591 F.3d 1043 (8th Cir. 2010)
- *Dorn v. State Bank of Stella*, 767 F.2d 442 (8th Cir. 1985) (per curiam)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)