

IN THE COURT OF APPEALS OF IOWA

No. 9-333 / 08-1241
Filed June 17, 2009

BRIAN M. BARKER,
Plaintiff-Appellant,

vs.

NEIL McMAHON, M.D.,
Defendant-Appellee.

Appeal from the Iowa District Court for Black Hawk County, Jon C. Fister,
Judge.

Brian Barker appeals from the district court's denial of Barker's motion for
reinstatement of his medical malpractice case. **AFFIRMED.**

Patrick W. O'Bryan, Des Moines, and Peter W. Berger, Urbandale, for
appellant.

George L. Weilein of Gallagher, Langlas & Gallagher, P.C., Waterloo, for
appellee.

Considered by Mahan, P.J., and Eisenhauer and Mansfield, JJ.

PER CURIAM

Brian Barker appeals from the district court's denial of Barker's motion for reinstatement of his medical malpractice case against Neil McMahon, contending the district court erred in failing to find the dismissal of his case pursuant to Iowa Rule of Civil Procedure 1.944 was excusable as oversight, mistake, or inadvertence. We affirm without opinion. See Iowa R. App. P. 6.24(1), (4) (2008).

AFFIRMED.