

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

BRIAN BUEHRLE,	)	No. ED95367
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Francois County
v.	)	Case No. 09SF-CC01591
	)	
MISSOURI DEPARTMENT	)	Honorable James H. Kelly
OF CORRECTIONS,	)	
	)	
Respondent.	)	Filed: June 21, 2011

Introduction

Brian Buehrle (Appellant) appeals from the trial court's judgment granting the Missouri Department of Corrections' (MDOC) motion for a judgment on the pleadings.

**AFFIRMED**

Division Five Holds: The trial court did not err in granting MDOC's motion on the pleadings, because Section 573.037, RSMo (2000) sets forth a mandatory duty that neither Appellant nor the MDOC is entitled to waive.

Opinion by: Gary M. Gaertner, Jr., P.J.  
Mary K. Hoff, J., and Patricia L. Cohen, J. concur.

Attorneys for Appellant: Brian M. Buehrle

Attorneys for Respondent: Chris Koster  
Terrence M. Messonnier

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
SHOULD NOT BE QUOTED OR CITED.**