

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 99-3979

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Forrest Mittendorf,

Appellant,

v.

Tim Braun, J.D.; State of Missouri;  
Paul Kaiser, J.D.; Lisa Hewitt, J.D.;  
Grace Nichols, J.D.,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: March 6, 2000

Filed: March 27, 2000

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Before McMILLIAN, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit  
Judges.

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PER CURIAM.

Missouri inmate Forrest Mittendorf appeals from the district court's<sup>1</sup> 28 U.S.C. § 1915A(b) order dismissing without prejudice his 42 U.S.C. § 1983 complaint against

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<sup>1</sup>The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

the State of Missouri, three prosecuting attorneys, and a state judge. Having carefully reviewed the record, see Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam), we conclude dismissal was proper because the State is not a “person” for purposes of section 1983, and all defendants are immune from this suit, see Buckley v. Fitzsimmons, 509 U.S. 259, 273 (1993) (prosecutorial immunity); Will v. Michigan Dep’t of State Police, 491 U.S. 58, 64 (1989) (state is not “person” under § 1983); Duty v. City of Springdale, Ark., 42 F.3d 460, 462 (8th Cir. 1994) (per curiam) (judicial immunity); Williams v. Missouri, 973 F.2d 599, 600 (8th Cir. 1992) (per curiam) (state’s sovereign immunity). Accordingly, we affirm. See 8th Cir. R. 47A(a).

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.