

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

No. 00-2520

George James Fiorentino,

Appellant,

v.

Bill Vanderbilt, Investigator, Anoka
County Sheriff's Department; David
Toth, Detective, Spring Lake Park
Police Department; Michael
Commerford, Drug Enforcement
Agency,

Appellees.

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* Appeal from the United States
* District Court for the District
* of Minnesota.

* [UNPUBLISHED]

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Submitted: April 6, 2001

Filed: April 11, 2001

Before MORRIS SHEPPARD ARNOLD, RICHARD S. ARNOLD, and FAGG,
Circuit Judges.

PER CURIAM.

George James Fiorentino appeals the district court's Federal Rule of Civil Procedure 12(b)(6) dismissal of Fiorentino's action brought under 42 U.S.C. § 1983, Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388

(1971), and state law. Having carefully reviewed the record and the parties' briefs, we conclude Fiorentino failed to state any claims on which relief could be granted. See Phillips v. Ford Motor Co., 83 F.3d 235, 239 (8th Cir. 1996) (standard of review). We also conclude the district court did not abuse its discretion in declining to exercise supplemental jurisdiction over Fiorentino's state law claims, see 28 U.S.C. § 1367(c)(3), but the dismissal of these claims should be without prejudice, see Franklin v. Zain, 152 F.3d 783, 786 (8th Cir. 1998). We thus affirm the judgment but modify the dismissal of the pendent state claims to be without prejudice. See 8th Cir. R. 47B.

A true copy.

Attest:

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