

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

No. 01-1582

James V. Roberts,

Appellant,

v.

Faisal V. Ahmed; Dennis Bakewell;
Frank X. Hopkins; Martha Schmidt;
Rebecca S. Rundlett, Dr.,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
* [UNPUBLISHED]
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Submitted: April 16, 2001

Filed: April 23, 2001

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

PER CURIAM.

Former Nebraska inmate James V. Roberts appeals from the district court's¹ 28 U.S.C. §§ 1915A(b)(1), 1915(e)(2)(B)(ii) dismissal of his 42 U.S.C. § 1983 complaint. Having carefully reviewed the record and appellant's brief, we agree with the district

¹The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska, adopting the report and recommendations of the Honorable Kathleen Ann Jaudzemis, United States Magistrate Judge for the District of Nebraska.

court that, for the reasons the court explained, the complaint failed to state a claim. See Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (de novo review).

Accordingly, we affirm. See 8th Cir. R. 47B. However, we modify the final judgment to delete the third paragraph entering judgment in favor of the United States of America, because it is not a party in this action. See 28 U.S.C. § 2106 (appellate court may modify judgment under review).

A true copy.

Attest:

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