

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

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No. 01-1786

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Danny Ray Lewis,

Appellant,

v.

Thomas Greg Massanelli,

Appellee.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Arkansas.  
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\* [UNPUBLISHED]  
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Submitted: November 27, 2001

Filed: December 3, 2001

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Before HANSEN, FAGG, and BEAM, Circuit Judges.

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PER CURIAM.

Danny Ray Lewis appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action. He also moves this court to take judicial notice of various proceedings before several courts or court entities.

In his complaint Lewis alleged that defendant, a Little Rock code enforcement officer, filed a false criminal report accusing Lewis of assaulting him after he served Lewis with a municipal ordinance citation. Upon de novo review, we agree with the

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<sup>1</sup>The Honorable G. Thomas Eisele, United States District Judge for the Eastern District of Arkansas.

district court that Lewis did not show that defendant was acting under color of state law when he made his report to the police. See Roe v. Humke, 128 F.3d 1213, 1215-16 (8th Cir. 1997). We deny Lewis's pending motion, noting it is unclear how granting it would help him. Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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