



PER CURIAM.

Anthony Nelson appeals the district court's<sup>1</sup> order dismissing his 42 U.S.C. § 1983 action. We grant Nelson leave to appeal in forma pauperis, assess the filing fee according to the Prison Litigation Reform Act, and leave the collection details to the district court. After carefully reviewing the record, we affirm, see 8th Cir. R. 47B, but we modify the dismissal of Nelson's Eighth Amendment claim to be without prejudice, see Wilson v. Seiter, 501 U.S. 294, 304 (1991) (low cell temperature with failure to issue blankets might establish Eighth Amendment violation); Thornton v. Phillips County, Ark., 240 F.3d 728, 729 (8th Cir. 2001) (per curiam) (viewing objections to report that contain additional allegations as motion to amend complaint).

A true copy.

Attest:

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

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<sup>1</sup>The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas.