

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

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No. 02-2556

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Robert Lee Valentine,

Appellant,

v.

David C. Brown, Prosecutor Attorney;  
Robert Bozovsky, Chief Detective  
Brooklyn Park; Nathaniel J. Pearlson,  
Forensic Scientist; Jack Denzel Davis,  
ASC-Supervisor; John Doe, Unknown  
Agents,

Appellees.

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

[UNPUBLISHED]

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Submitted: August 20, 2002

Filed: August 27, 2002

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Before McMILLIAN, FAGG, and BOWMAN, Circuit Judges.

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PER CURIAM.

Minnesota inmate Robert Lee Valentine appeals the district court's preservice dismissal of Valentine's 42 U.S.C. § 1983 lawsuit. Having carefully reviewed the record, we conclude dismissal was proper for the reasons relied on by the district

court, but we modify the dismissal to be without prejudice. We thus affirm the judgment as modified. See 8th Cir. R. 47B.

A true copy.

Attest:

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