

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

---

No. 02-2143

---

John Harvey,

Appellant,

v.

Philip Lomason; Gregory Harvey,

Appellees.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the Eastern  
District of Missouri.

[UNPUBLISHED]

---

Submitted: December 6, 2002

Filed: December 11, 2002

---

Before WOLLMAN, MORRIS SHEPPARD ARNOLD, and MELLOY, Circuit  
Judges.

---

PER CURIAM.

John Harvey appeals the district court's<sup>1</sup> order granting defendants' motions to dismiss. Having carefully reviewed the record, we conclude dismissal of Mr. Harvey's federal constitutional claims was proper for the reasons explained by

---

<sup>1</sup>The Honorable Lewis M. Blanton, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

the district court. Accordingly, we affirm the district court's order, but modify the dismissal of any state law claims to be without prejudice. See 8th Cir. R. 47B.

A true copy.

Attest:

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