

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3776

Hani W. Khouri,

Appellant,

v.

Thomas Andrews, Assistant Attorney
General, State of Iowa; Douglas
Marek; Thomas J. Miller, Attorney
General, State of Iowa; Thomas J.
Vilsack, Governor, State of Iowa,

Appellees.

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* Appeal from the United States
* District Court for the Northern
* District of Iowa.
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* [UNPUBLISHED]
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Submitted: March 28, 2003

Filed: April 2, 2003

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

PER CURIAM.

Hani W. Khouri appeals the district court's¹ pre-service dismissal of his action. Having carefully reviewed the record, we conclude that dismissal was proper for the reasons explained by the district court. However, we modify the dismissal of

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.

Khouri's damages claim to be without prejudice. See Schafer v. Moore, 46 F.3d 43, 45 (8th Cir. 1995) (per curiam). Accordingly, we affirm the judgment as modified. See 8th Cir. R. 47B.

A true copy.

Attest:

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