

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2981

Jesus Carmona,

Appellant,

v.

Dick Ross; Crow Wing County;
City of Brainerd; Denny Peterson;
David Hermerding; Jennifer
Cummings; Marshall Prescott; Rod
McCulley,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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Submitted: May 7, 2003
Filed: June 2, 2003

Before BOWMAN, WOLLMAN, and HANSEN, Circuit Judges.

PER CURIAM.

Louisiana inmate Jesus Carmona appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 suit against Sheriff Dick Ross and others. After careful review of the record, we dismiss this appeal as premature and remand.

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable E. S. Swearingen, United States Magistrate Judge for the District of Minnesota.

As the district court did not address Carmona's claims against multiple unserved defendants, those claims remain pending, and this appeal is premature. See Thomas v. Basham, 931 F.2d 521, 523 (8th Cir. 1991). We note that the district court also has not ruled on Carmona's second amended complaint or his motion to compel, and we direct the court to consider these matters as well.

Accordingly, we dismiss the appeal and remand to the district court for consideration of Carmona's claims against the unserved defendants, his second amended complaint, and his motion to compel.

A true copy.

Attest:

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