

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1924

Gregory Alan Miles,	*	
	*	
Appellant,	*	
	*	
v.	*	Appeal from the United States
	*	District Court for the
South Dakota Department of Social	*	District of South Dakota.
Services, Office of Child Support	*	
Enforcement; United States Department	*	
of Health and Human Services,	*	[UNPUBLISHED]
Administration for Children and	*	
Families; Pamela Jean Miles, Client of	*	
South Dakota Office of Child Support,	*	
	*	
Appellees.	*	

Submitted: July 16, 2003
Filed: July 25, 2003

Before RILEY, HANSEN, and SMITH, Circuit Judges.

PER CURIAM.

Gregory Alan Miles appeals from the district court's¹ preservice dismissal of his civil complaint. Having reviewed the record de novo, see Moore v. Sims, 200

¹The Honorable Richard H. Battey, United States District Judge for the District of South Dakota.

F.3d 1170, 1171 (8th Cir. 2000) (per curiam), we conclude that the district court properly dismissed Miles's claims because the South Dakota Department of Social Services and the United States Department of Health & Human Services enjoy sovereign immunity, and Miles's claims against the third defendant (his ex-wife) are not properly brought in federal court.

Accordingly, we affirm the dismissal, but we modify it to reflect that the dismissal is without prejudice to any remedies Miles might have in state court or under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80. See 8th Cir. R. 47A(a). We also deny the pending motion for a hearing.

A true copy.

Attest:

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