

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2581

Kurt Robert Davis,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Western District of Arkansas.
Warren Darrel Blount, Public Defender,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: August 19, 2003

Filed: August 25, 2003

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

PER CURIAM.

Arkansas inmate Kurt Robert Davis appeals the district court's¹ preservice dismissal of his 42 U.S.C. § 1983 action. Upon de novo review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam), we conclude that the district court properly dismissed the complaint because Davis's public defender was not a

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas.

government actor, see Polk County v. Dodson, 454 U.S. 312, 325 (1981); Eling v. Jones, 797 F.2d 697, 698-99 (8th Cir. 1986), cert. denied, 480 U.S. 917 (1987). Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

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