

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3361

Cephas Barton Brewer,

Appellant,

v.

Cary Anderson, Benton County Judge;
Benton County Quorum Court,

Appellees.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: May 7, 2004

Filed: May 21, 2004

Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Cephas Brewer appeals the district court's¹ adverse decision in his 42 U.S.C. § 1983 action. Upon de novo review, see Anderson v. Larson, 327 F.3d 762, 767 (8th Cir. 2003), we find Brewer's arguments lack merit, and we affirm on the basis that

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 Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas.

the action is barred under Heck v. Humphrey, 512 U.S. 477 (1994). See 8th Cir. R. 47B. However, we modify the judgment to be a dismissal without prejudice. See Sheldon v. Hundley, 83 F.3d 231, 234 (8th Cir. 1996).
