

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-1507

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Francisco Sanchez-Rosales,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the Western
	*	District of Missouri.
Mark Walterskirchen; Gooden;	*	
Bradford Snyder; James Saver; Chris	*	[UNPUBLISHED]
Chemesky, Doctors; Kelly Doe,	*	
Physician's Assistant,	*	
	*	
Appellees.	*	

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Submitted: July 7, 2004  
Filed: July 9, 2004

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

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PER CURIAM.

Federal inmate Francisco Sanchez-Rosales (Sanchez) appeals the district court's\* preservice dismissal of Sanchez's Bivens action. See Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). Having carefully reviewed the record, we conclude dismissal was proper because Sanchez failed to state a constitutional claim

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\*The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

for deliberate indifference to a serious medical need. See Moore v. Duffy, 255 F.3d 543, 545 (8th Cir. 2001).

We note the district court assessed an initial partial appellate filing fee but did not order collection of the fee's balance. Accordingly, we affirm the judgment of the district court, see 8th Cir. R. 47A(a), and instruct the district court to assess and collect the balance of the appellate filing fee, see Henderson v. Norris, 129 F.3d 481, 484-85 (8th Cir. 1997) (per curiam).

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