

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2302

Joseph D. Thornblad,

Appellant,

v.

Linda Anderson, Commissioner of
Human Services; Kathy Meade
Hebert, Minnesota State Attorney
General's Office,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: August 6, 2004
Filed: August 12, 2004

Before MELLOY, LAY, and COLLOTON, Circuit Judges.

PER CURIAM.

Joseph D. Thornblad appeals the district court's¹ preservice dismissal of his 42 U.S.C. § 1983 complaint as barred by Rooker-Feldman.² After careful de novo review, see Charchenko v. City of Stillwater, 47 F.3d 981, 982-83 (8th Cir. 1995), we agree with the district court that the action was Rooker-Feldman-barred because Thornblad's federal complaint raised constitutional challenges already decided by the Minnesota state courts. See Lemonds v. St. Louis County, 222 F.3d 488, 492 (8th Cir. 2000) (except for habeas petitions, lower federal courts lack jurisdiction over attacks on state court judgments), cert. denied, 531 U.S. 1183 (2001); Charchenko, 47 F.3d at 983 (to evaluate whether Rooker-Feldman bars federal suit, federal court must determine what state court held and whether relief requested would void state court ruling or require determining it was wrong).

Accordingly, we affirm, see 8th Cir. R. 47A(a), except we modify the dismissal to be without prejudice. We also deny Thornblad's motion for appointment of counsel and motion to retrieve the state court record.

¹The Honorable John R. Tunheim, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.

²See Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983).