

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2160

Anthony P. Lane,

Appellant,

v.

State of Arkansas; City of Hot Springs,
Arkansas; Hot Springs Police
Department; Garland County Sheriff's
Office; Fountain Motel, at 1622
Central Avenue, Hot Springs, AR
71901; Garland County Detention
Center,

Appellees.

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

[UNPUBLISHED]

Submitted: December 7, 2004
Filed: December 10, 2004

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

PER CURIAM.

Anthony Lane appeals the district court's¹ preservice dismissal of his 42 U.S.C. § 1983 action and moves to proceed in forma pauperis (IFP) on appeal. We grant Lane leave to proceed IFP, and after careful de novo review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (standard of review), we conclude dismissal was proper for the reasons stated by the district court. Accordingly, we affirm. See 8th Cir. R. 47B. Because there is no indication that Lane was incarcerated at the time of bringing this action, however, the dismissal does not constitute a "strike" under 28 U.S.C. § 1915(g), and we modify the judgment accordingly. See 28 U.S.C. § 2106. We also deny Lane's pending motions.

¹The Honorable Robert T. Dawson, United States District Judge 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.