

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3993

Robbin Irene Oliver,

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Appellant,

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v.

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State of Oklahoma; Brad Henry,
Governor; County of LeFlore; Rob

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Wallace, District Attorney for LeFlore
County, Oklahoma; City of Heavener
Municipal Court; City of Heavener

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Municipal Police; Drew Edmondson,
Attorney General for the State of

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Oklahoma; Terry Amend, Attorney
for the City of Heavener, Oklahoma;

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Doug Smuck, Municipal Court Judge;

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Tommi J. West, Municipal Court Clerk;

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Derek Woodral; Loren Haberson;

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Joseph Guzman; Douglas Schmuck,

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Attorney for the Oklahoma Department
of Health and Human Services; Danita

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Williams, Judge, District Court for

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LeFlore County, Oklahoma,

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Appellees.

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

[UNPUBLISHED]

Submitted: June 21, 2005

Filed: July 8, 2005

Before SMITH, McMILLIAN, and BENTON, Circuit Judges.

PER CURIAM.

Robbin Oliver appeals the district court's¹ preservice dismissal of her 42 U.S.C. § 1983 complaint. We summarily affirm, but given Oliver's statement to the district court that she did not intend that certain material she submitted to the district court be construed as part of her complaint, we modify the dismissal to be without prejudice as to defendants Judge Danita Williams and Attorney Douglas Schmuck. We deny all pending motions.

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.