

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3018

George Poole,

Appellant,

v.

Mary Catherine Moran,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: December 7, 2005
Filed: December 20, 2005

Before MELLOY, HANSEN, and GRUENDER, Circuit Judges.

PER CURIAM.

George Poole appeals the district court's¹ 28 U.S.C. § 1915(e)(2)(B) dismissal, without prejudice, of his 42 U.S.C. § 1983 action. Having carefully reviewed the record and Poole's submissions on appeal, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (de novo review), we conclude the judgment of the district court was correct. Poole failed to allege any violation of his constitutional rights and, thus, failed to state a cognizable section 1983 claim. See Walker v. Reed, 104 F.3d 156, 157 (8th Cir. 1997) (to state cognizable claim under § 1983, plaintiff's

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

complaint must allege that conduct of defendant acting under color of state law deprived him of right, privilege, or immunity secured by Constitution or laws of United States). We reject Poole's disqualification argument. Accordingly, we affirm. See 8th Cir. R. 47B.
