

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1011

Anthony Wyatt Graves,

Appellant,

v.

North Dakota State Penitentiary,

Appellee.

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Appeal from the United States
District Court for the
District of North Dakota.

[UNPUBLISHED]

Submitted: May 5, 2006
Filed: May 17, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Anthony Graves appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 complaint against the North Dakota State Penitentiary (NDSP). We hold that dismissal was proper regarding the claims for damages because NDSP has Eleventh Amendment immunity from suit. See P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 144 (1993). Regarding the claims for injunctive relief, we reach the merits and summarily affirm the judgment of the district court. See Eighth Cir. Rule 47A(a).

¹The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota.