

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-1736

Scott Andrew Kohser,

Appellant,

v.

Laurie Merth; Launie Zaffke;
Robert Feneis; Jeffery Shorba;
Shelby Richardson; Steve Huot;
John Fabian; Marty McHugh; Ben
Brieschke; Jeffery Peterson; Ron
Degidio; Linda Rose; Terry Katusky;
Randy Tenge; James Kaul; Thomas
Berner,

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* [UNPUBLISHED]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: September 24, 2007
Filed: October 11, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Minnesota prisoner Scott Andrew Kohser appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action.

Upon de novo review, *see Entzi v. Redmann*, 485 F.3d 998, 1001 (8th Cir. 2007), we affirm. We agree with the district court that Kohser's legal mail, access to courts, Fifth Amendment, due process, and retaliation claims failed on their merits. *See McKune v. Lile*, 536 U.S. 24, 35-36 (2002) (Fifth Amendment); *Sandin v. Conner*, 515 U.S. 472, 484 (1995) (due process); *Entzi*, 485 F.3d at 1005 (court access); *Gardner v. Howard*, 109 F.3d 427, 430-31 (8th Cir. 1997) (legal mail); *Cornell v. Woods*, 69 F.3d 1383, 1387-89 (8th Cir. 1995) (retaliation). Further, we conclude that summary judgment was not prematurely granted, *see Robinson v. Terex Corp.*, 439 F.3d 465, 467 (8th Cir. 2006); and that the district court did not abuse its discretion in dismissing individual-capacity claims against defendants Ben Brieschke and Jeffery Shorba, and in denying Kohser's motion for a default judgment against these defendants, *see Harris v. St. Louis Police Dep't*, 164 F.3d 1085, 1086 (8th Cir. 1998) (per curiam); *Bullock v. United States*, 160 F.3d 441, 442 (8th Cir. 1998) (per curiam).

Accordingly, we affirm. *See* 8th Cir. R. 47B. We grant Kohser's motions on appeal for verification and to file a Federal Rule of Appellate Procedure 28(j) letter and a supplemental appendix.

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Susan Richard Nelson, United States Magistrate Judge for the District of Minnesota.