

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

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No. 07-2089

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Kenneth Bell; Cleophus Mack,	*
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Appellants,	*
	* Appeal from the United States
v.	* District Court for the
	* Eastern District of Missouri.
State of Missouri,	*
	* [UNPUBLISHED]
Appellee.	*

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Submitted: October 31, 2007  
Filed: November 5, 2007

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Before BYE, RILEY, and MELLOY, Circuit Judges.

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PER CURIAM.

Missouri prisoners Kenneth Bell and Cleophus Mack appeal the district court's<sup>1</sup> 28 U.S.C. § 1915A(b) preservice dismissal of their complaint. Upon de novo review, Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (standard of review), we conclude dismissal was proper because the five-year limitations period had expired. See Mo. Rev. Stat. § 516.120(4); Wallace v. Kato, 127 S. Ct. 1091, 1094 (2007) (holding § 1983 actions are characterized as personal-injury actions for purposes of determining which state statute of limitations to apply). However, we

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<sup>1</sup>The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

modify the judgment to be with prejudice, see Botten v. Shorma, 440 F.3d 979, 980-81 (8th Cir. 2006) (affirming dismissal of plaintiff's complaint with prejudice on statute of limitations grounds), and we affirm the judgment as modified. See 8th Cir. R. 47B.

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