

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

No. 08-1005

John Buckley,

Appellant,

v.

Regina Dowdle, Family Service
Worker, Arkansas Department of
Health and Human Services; Michael
E. Sanders, Attorney; Charles A.
Yeargan, Judge, Pike County;
Elizabeth Harvey, Mother of minor
child,

Appellees.

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

[UNPUBLISHED]

Submitted: March 18, 2009

Filed: March 24, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

John Buckley filed a pro se civil complaint on behalf of himself and his minor child, alleging violations of the United States Constitution and the Child Abuse

Prevention and Treatment Act (CAPTA). The district court¹ dismissed the complaint, and Buckley appeals.

After careful de novo review, we affirm. Buckley cannot bring a claim on behalf of his minor daughter, see Myers v. Loudoun County Pub. Sch., 418 F.3d 395, 401 (4th Cir. 2005), and his own claims are meritless. He did not explain how defendants violated CAPTA, see Hutchinson ex rel. Baker v. Spink, 126 F.3d 895, 901-02 (7th Cir. 1997); two defendants are not state actors for purposes of a 42 U.S.C. § 1983 suit for violation of Buckley's constitutional rights, see Crumpley-Patterson v. Trinity Lutheran Hosp., 388 F.3d 588, 590 (8th Cir. 2004); the state judge enjoys judicial immunity, see Mireles v. Waco, 502 U.S. 9, 11-12 (1991) (per curiam); and Buckley did not explain how the remaining state actor violated his constitutional rights, see Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004) (pro se complaints must allege sufficient facts).²

Accordingly, we affirm, but we modify the dismissal of all claims on behalf of Buckley's minor daughter to be without prejudice. We also deny the pending motion to submit exhibits.

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

²Although the district court dismissed the complaint for lack of subject matter jurisdiction, we prefer to reach the merits in light of Buckley's assertion of constitutional claims. See Phipps v. FDIC, 417 F.3d 1006, 1010 (8th Cir. 2005) (court may affirm on any basis supported by record).