

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

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No. 08-3901

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Shawn Simmons,

Appellant,

v.

Dwight L. Fondren, Warden,

Appellee.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: June 2, 2009  
Filed: June 10, 2009

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Before RILEY, SMITH, and BENTON, Circuit Judges.

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PER CURIAM.

Shawn Simmons appeals the district court's<sup>1</sup> dismissal of his 28 U.S.C. § 2241 petition. Upon careful de novo review, see Hill v. Morrison, 349 F.3d 1089, 1091 (8th Cir. 2003), we conclude that dismissal was proper for the reasons expressed by the district court, see Superintendent v. Hill, 472 U.S. 445, 454-57 (1985). Accordingly, we affirm the judgment. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.