

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

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No. 11-2277

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Nicholas Thomas Stroeder,

Appellant,

v.

Joan Fabian; Jeffrey Peterson;  
Roger Baburam,

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\* [UNPUBLISHED]  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 7, 2011  
Filed: September 9, 2011

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Before MELLOY, BOWMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Minnesota inmate Nicholas Stroeder appeals the district court's<sup>1</sup> 28 U.S.C. § 1915A dismissal with prejudice of his civil-rights action, as well as the denial of his motions for rehearing and appointment of counsel. After careful de novo review, see Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam), we agree with the district court that Stroeder failed to state a claim. We also find the district court did

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<sup>1</sup>The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Jeffrey J. Keyes, United States Magistrate Judge for the District of Minnesota.

not abuse its discretion by denying Stroeder's motions for rehearing and appointment of counsel. See Bennett v. Dr. Pepper/Seven Up, Inc., 295 F.3d 805, 807 (8th Cir. 2002) (Fed. R. Civ. P. 60(b) standard of review); Swope v. Cameron, 73 F.3d 850, 851-52 (8th Cir. 1996) (28 U.S.C. § 1915(e)(1) standard of review).

Accordingly, we affirm. See 8th Cir. R. 47B.

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