

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

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No. 97-3367

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Lazaro D. Borrero,

Appellant,

v.

Terry Mories, Officer; Dennis L.  
Benson, Warden of Minnesota  
Correctional Facility at Stillwater,

Appellees.

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

[UNPUBLISHED]

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Submitted: August 12, 1998

Filed: August 18, 1998

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Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Lazaro Borrero, a Minnesota inmate, appeals from the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C § 1983 action. After carefully reviewing the record and the parties' submissions, we conclude the district court did not err in

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.

granting summary judgment for the reasons stated in the magistrate judge's report. Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.