

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

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No. 99-2838

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Richard Fortner,

Appellant,

v.

Mary Dickerson; W. James Icenogle;  
Deidre O'Donnell,

Appellees.

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Appeal from the United States  
District Court for the  
Western District of Missouri.

**[UNPUBLISHED]**

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Submitted: August 25, 1999

Filed: August 31, 1999

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Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Missouri inmate Richard Fortner appeals the district court's<sup>1</sup> order dismissing under 28 U.S.C. § 1915(e) his 42 U.S.C. § 1983 complaint, in which Fortner alleged that defendants had improperly sentenced him, or allowed him to be sentenced, as a persistent offender under state law. Having carefully reviewed the record, we conclude

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<sup>1</sup>The HONORABLE NANETTE K. LAUGHREY, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the HONORABLE WILLIAM A. KNOX, United States Magistrate Judge for the Western District of Missouri.

the judgment of the district court is correct and affirm for the reasons the district court explained in its order. See 8th Cir. R. 47A(a).

A true copy.

Attest:

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