

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

\_\_\_\_\_  
No. 98-2784  
\_\_\_\_\_

Stanley Paul Smith,

Appellant,

v.

Dora Schriro; Michael L. Kemna;  
Steve Moore; Patricia Lamp;  
Tammi Jacobs; Bryan G. Piburn;  
Melvin C. Chaffee, Jr.; Diane Walker,

Appellees.

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\_\_\_\_\_  
No. 98-4024  
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Appeals from the United States  
District Court for the  
Western District of Missouri.

Stanley Paul Smith,

Appellant,

v.

Correctional Medical Systems, through  
its registered agent, Michael N.  
Neumark and it's members, affiliates,  
subsidiaries and/or any "parent  
groups" (corporations, partnerships,  
associations, etc.) whether in the form

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[UNPUBLISHED]

of entities and/or individuals, and \*  
any contracted and/or subcontracted \*  
doctors; CMS Inc's president and \*  
vice-president; J. Matthews, Dr.; \*  
Mohammad Ghassemi-Chi, M.D.; \*  
R. Dent, Dr.; G. Rille, Dr.; Danny \*  
Stanton, M.D.; Hoog, Dr.; Vincent \*  
Morgan, Dr.; David Scherr, Dr., and/or \*  
his heirs, estate, devisees and/or \*  
agents and any insurance companies \*  
representing Dr. Scheer for liability; \*  
David Scherr, Mrs., who accompanied \*  
Dr. David Scherr to WMCC 1995 \*  
through February 1997, her heirs, \*  
estate, devisees and/or agents and \*  
any insurance companies representing \*  
Mrs. David Scherr for liability, \*  
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\*  
Appellees. \*

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Submitted: August 4, 1999  
Filed: September 14, 1999

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Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

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PER CURIAM.

In these consolidated appeals, Missouri prisoner Stanley Paul Smith appeals from the District Court's<sup>1</sup> adverse grant of summary judgment and denial of pretrial

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<sup>1</sup>The late Honorable Joseph E. Stevens, Jr., United States District Judge for the Western District of Missouri.

motions in his civil rights action against prison officials (Appeal No. 98-2784), and from the District Court's<sup>2</sup> dismissal under Federal Rule of Civil Procedure 41(b) in his related action against other defendants (Appeal No. 98-4024). We have carefully reviewed the record and the parties' briefs in Appeal 98-2784, and conclude that the District Court did not err. Accordingly, the judgment is affirmed. See 8th Cir. R. 47B. We also deny Smith's motions on appeal.

As to Appeal No. 98-4024, we also conclude after careful review that the District Court's dismissal of Smith's lawsuit should be affirmed, but we modify the dismissal to be without prejudice. See 8th Cir. R. 47A(a).

Accordingly, the judgments are affirmed.

A true copy.

Attest:

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

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<sup>2</sup>The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.