

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

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No. 99-2515

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Kenneth Ray Benton Pitts,

Appellant,

v.

T. Johnson, Ms., CO-1 Female Security Guard, Varner Unit, ADC; D. Miller, Mr., Sgt. Male Security Guard, Varner Unit, ADC; Rick Toney, Warden, Verner Unit, ADC; T. MS., ARO-Grievance Officer, Varner Unit, ADC; Larry B. Norris, Director, Arkansas Department of Correction,

Appellees.

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Appeal from the United States District Court for the Eastern District of Arkansas.

[UNPUBLISHED]

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Submitted: September 23, 1999

Filed: October 4, 1999

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Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

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PER CURIAM.

Arkansas inmate Kenneth Ray Benton Pitts appeals from the district court's<sup>1</sup> order dismissing with prejudice his 42 U.S.C. § 1983 action. After careful review of the record, we conclude that briefing would serve no useful purpose and that the court properly dismissed the complaint under 28 U.S.C. § 1915A(b). We affirm for the reasons stated by the district court, but we modify the dismissal to be without prejudice. See 8th Cir. R. 47A(a).

A true copy.

Attest:

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

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<sup>1</sup>The Honorable James Maxwell Moody, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas.