

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

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No. 09-1397

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Paul Michael Blaise,

Appellant,

v.

Dr. Jason Smith; PSS Hope Prentice;  
PSS Hirschman; TPS Jennifer  
Macklem,

Appellees.

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Appeal from the United States  
District Court for the  
Northern District of Iowa.

[UNPUBLISHED]

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Submitted: November 23, 2009  
Filed: January 12, 2010

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Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Paul Blaise appeals the district court's<sup>1</sup> preservice dismissal of his 42 U.S.C. § 1983 action. Upon careful review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (de novo review), we affirm the dismissal for the reasons stated by the district court, see 8th Cir. R. 47B. However, to the extent Blaise's claims for damages were dismissed pursuant to Heck v. Humphrey, 512 U.S. 477, 486-87

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<sup>1</sup>The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

(1994), we modify the dismissal to be without prejudice, see Schafer v. Moore, 46 F.3d 43, 45 (8th Cir. 1995) (per curiam) (dismissal under Heck should be without prejudice so plaintiff can refile if he satisfies Heck requirements).

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