

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

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No. 08-2358

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Kevin L. Chambers,

Appellant,

v.

Michael Pennycook, Agent, St. Louis  
County Drug Task Force; Unknown  
Kelling, Officer; Andria Van Mierlo,<sup>1</sup>

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: October 2, 2008  
Filed: October 27, 2008

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Before MELLOY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Kevin Chambers appeals the district court's<sup>2</sup> February 2008 interlocutory order denying him appointed counsel. Upon review for an abuse of discretion, see Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (standard of review), we

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<sup>1</sup>St. Louis County, Missouri, and St. Louis County Drug Task Force were dismissed from the case and are no longer parties.

<sup>2</sup>The Honorable Stephen N. Limbaugh, Sr., United States District Judge for the Eastern District of Missouri, now retired.

clarify that the district court's denial of appointed counsel is without prejudice, see Williams v. Carter, 10 F.3d 563, 567 (8th Cir. 1993) (after denying motion for appointment of counsel, court "should continue to be alert to the possibility that, because of procedural complexities or other reasons, later developments in the case may show either that counsel should be appointed, or that strict procedural requirements should, in fairness, be relaxed to some degree"), and we affirm the order as clarified. In addition, Chambers's "motion for remand" is denied as moot.

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