

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

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No. 11-1796

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Scottie L. Scott,

Appellant,

v.

State of Iowa; Aaron K. Hawbaker;  
Kathryn J. Mahoney; Cory Jon  
Goldensoph; Black Hawk County,

Appellees.

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\* Appeal from the United States  
\* District Court for the Northern  
\* District of Iowa.  
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\* [UNPUBLISHED]  
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Submitted: October 12, 2011

Filed: October 19, 2011

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Before LOKEN, BYE, and COLLOTON, Circuit Judges.

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PER CURIAM.

Iowa inmate Scottie Scott appeals the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 action as barred by Heck v. Humphrey, 512 U.S. 477 (1994). Upon de novo review, we conclude dismissal was proper for the reasons the district court stated, although the dismissal should have been without prejudice, see Schafer v.

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<sup>1</sup>The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.

Moore, 46 F.3d 43, 45 (8th Cir. 1995) (per curiam). Accordingly, we modify the dismissal to be without prejudice, and we affirm the judgment as modified. See 8th Cir. R. 47B.

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