

Frank Dwight Carter appeals the district court's¹ order dismissing his 42 U.S.C. § 1983 complaint without prejudice. We conclude dismissal was proper for the reasons the district court stated. Accordingly, the district court's judgment is affirmed. See 8th Cir. R. 47B. We also deny Carter's motion for appointment of appellate counsel.

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.