United States Court of Appeals

For the Eighth Circuit

_____

No. 13-2760

_____

Alan Cole Onstad

Plaintiff - Appellant

v.

Mary Ann Wilkinson, Clerk, Circuit Court, Lee County, Arkansas; Richard L.
Proctor, Circuit Judge, Lee County, Arkansas; Lee County Arkansas

Defendants - Appellees

_____

Appeal from United States District Court
for the Eastern District of Arkansas - Helena

_____

Submitted: October 9, 2013
Filed: October 22, 2013
[Unpublished]

_____

Before MURPHY, COLLOTON, and GRUENDER, Circuit Judges.

_____

PER CURIAM.

Alan Onstad appeals the district court's[1] preservice dismissal, with prejudice, of his amended 42 U.S.C. § 1983 complaint, essentially asserting that he was wrongfully denied in forma pauperis (IFP) status in state court, which prevented him from bringing a conditions-of-confinement case in state court. Upon careful de novo review, we conclude that the dismissal was proper. *See* 28 U.S.C. § 1915A (in civil action in which prisoner seeks redress from governmental entity or officer or employee of governmental entity, court shall review complaint as soon as practicable and dismiss it if it is frivolous, malicious, fails to state claim, or seeks monetary relief from defendant who is immune); *see also Cooper v. Schriro*, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam) (de novo review of § 1915A dismissal). Specifically, we agree with the district court that Onstad's complaint failed to state a claim upon which relief could be granted. *See Williams v. McKenzie*, 834 F.2d 152, 153-54 (8th Cir. 1987) (stating general rule that IFP litigant's access to court is matter of privilege, not of right); *cf. Murray v. Dosal*, 150 F.3d 814, 817 (8th Cir. 1998) (per curiam) (noting that Supreme Court has never recognized unlimited rule that indigent plaintiffs at all times and in all cases have right to relief without payment of fees).

Accordingly, we affirm. *See* 8th Cir. R. 47B. We also deny Onstad's motion for appointment of counsel.

_____

[1]The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas.

-2-