

United States Court of Appeals  
For the Eighth Circuit

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No. 13-3288

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David Anthony Stebbins

*Plaintiff - Appellant*

v.

Rhonda Watkins, Boone County Circuit Clerk; State of Arkansas

*Defendants - Appellees*

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Appeal from United States District Court  
for the Western District of Arkansas - Harrison

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Submitted: January 7, 2014  
Filed: January 10, 2014  
[Unpublished]

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Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

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PER CURIAM.

David Stebbins appeals from the District Court's<sup>1</sup> pre-service dismissal of his 42 U.S.C. § 1983 complaint, in which he alleged that the defendants violated his right of access to the courts because defendant Rhonda Watkins failed to assign case numbers to three of Stebbins's dismissed state-court matters. Upon careful de novo review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam), we conclude that the District Court properly dismissed the complaint because (1) the State of Arkansas may not be sued under § 1983, see Williams v. Missouri, 973 F.2d 599, 599–600 (8th Cir. 1992) (per curiam), and (2) Stebbins failed to state an actionable access-to-courts claim against defendant Watkins, see Maness v. District Court of Logan County-Northern Div., 495 F.3d 943, 944–45 (8th Cir. 2007) (per curiam); Clowers v. Lassiter, 213 S.W.3d 6, 9 (Ark. 2005). We also conclude that the District Court properly denied the motion for recusal, and we affirm the denial of leave to amend because, among other reasons, the new claim that Stebbins wished to bring did not state a cause of action upon which relief may be granted. See Santiago v. Blair, 707 F.3d 984, 991–92 (8th Cir. 2013). Accordingly, we affirm.

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<sup>1</sup>The Honorable P.K. Holmes, III, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas.