

United States Court of Appeals
For the Eighth Circuit

No. 15-1144

Samar Akins

Plaintiff - Appellant

v.

Michael Wilson; Keith Morris, doing business as Morris Enterprises

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: March 25, 2015

Filed: April 1, 2015

[Unpublished]

Before WOLLMAN, MURPHY, and GRUENDER, Circuit Judges.

PER CURIAM.

Samar Akins appeals the district court's¹ preservice dismissal, without prejudice, of his 42 U.S.C. § 1983 complaint. Upon careful de novo review, we

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

conclude that the district court's dismissal was proper. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal if court determines at any time that it lacks subject matter jurisdiction); *Hart v. United States*, 630 F.3d 1085, 1088 (8th Cir. 2011) (dismissal for lack of subject matter jurisdiction reviewed de novo); *see also* *Bilal v. Kaplan*, 904 F.2d 14, 15 (8th Cir. 1990) (per curiam) (jurisdiction must affirmatively appear clearly and distinctly in complaint; mere suggestion of federal question is not sufficient to establish jurisdiction).

Accordingly, we affirm. *See* 8th Cir. R. 47B.
