

are held by nondefendant University Behavioral Health. There was no basis for this court to order such discovery, or to believe that plaintiff could not obtain a copy of his own medical records. Further, despite the allegation in his objections, plaintiff's deposition supports that Cowin was told by Debra Bobbinger that plaintiff did not need psychiatric care.

Plaintiff's requests for preliminary injunctive relief, with the exception of his claim regarding access to courts, are challenges to his current conditions of confinement in the Missouri Department of Corrections (MDOC). These claims are all unrelated to the claims in this case and/or involve different defendants who are not parties to this case. The remaining claim in the pending lawsuit involves only actions allegedly taken by defendant Cowin, plaintiff's parole officer while plaintiff was on parole in 2005, and has nothing to do with his current confinement in MDOC. There is no threat of irreparable harm to plaintiff and no basis for this court to address these separate claims at this time.

Plaintiff's preliminary injunctive relief claim regarding access to courts is also without merit. Plaintiff has suffered no prejudice in the instant action or any other legal action and concedes that as of June 27, 2008, he has had his legal materials and is no longer subject to the ten-day cell restriction.

This court is persuaded that the recommendations of the Magistrate Judge are correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the recommendations of August 5 and 20, 2008, are adopted. [127, 133] It is further

ORDERED that plaintiff's motions for preliminary injunctive relief are denied. [121, 122, 123, 128] It is further

ORDERED that defendant Cowin's motion for summary judgment is granted, and plaintiff claims are dismissed. [108]

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: February 3, 2009