

fail to establish constitutional violation; only reckless or intentional failure to investigate other leads offends a prisoner's due process rights).

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 [7] the Report and Recommendation of October 2, 2009, is adopted. It is further

ORDERED that plaintiff's claims are dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted. It is further

ORDERED that [10] plaintiff's motion for reconsideration is denied.

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

DATED: November 20, 2009