

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1293

John David Johnson,

Appellant,

Benjamin E. Schreiber; Dan L. Dorris,
P. Cronkhite; R. Sellers, and other
unnamed persons,

Plaintiffs,

v.

State of Iowa; Department of Justice;
Iowa Attorney General, and all other
offices of legal authority,

Appellees.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: August 22, 2000
Filed: August 31, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Iowa inmate John David Johnson appeals from the district court's¹ dismissal without prejudice of his "Motion for Restraining Order." After reviewing the record and appellant's brief, we agree with the district court that Johnson essentially attacks the legality of his imprisonment, and that his claim thus must be brought in a 28 U.S.C. § 2254 petition, after he exhausts his available state remedies. See Preiser v. Rodriguez, 411 U.S. 475, 487-90 (1971). We also conclude that the district court did not abuse its discretion in denying Johnson's motion for reconsideration.

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny the parties' pending motions on appeal.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.