

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1341

Tarvuell Clark,

Appellant,

v.

Hugh G. Harris,

Appellee.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: April 2, 2001

Filed: April 10, 2001

Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Federal prisoner Tarvuell Clark appeals the district court's¹ pre-service dismissal of his Bivens² action and moves to proceed in forma pauperis (IFP) on appeal. Having carefully reviewed the record, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000)

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

²Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).

(per curiam), we conclude that Mr. Clark's complaint failed to state an Eighth Amendment claim upon which relief may be granted. Because Mr. Clark has paid the appellate filing fee, we deny his IFP motion as moot.

Accordingly, we affirm. See 8th Cir. R. 47A(a).

A true copy.

Attest:

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