

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1125

Russell J. Berger,

Appellant,

v.

Correctional Medical Services,
(agent for service is David Morgan),
Cummins Unit, Arkansas Department
of Correction; John Doe, Cummins
Unit, Arkansas Department of
Correction; Everett, Nurse, Cummins
Unit, Arkansas Department of
Correction; Vera Reynolds, Clerk of
Lincoln County Circuit Court,

Appellees.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: August 23, 2001

Filed: August 28, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Prisoner Russell Berger appeals the district court's¹ judgment dismissing his 42 U.S.C. § 1983 action in which he had claimed medical negligence and denial of access to the courts. Upon a thorough review of the record and the parties' briefs, we agree with the district court that dismissal of the access-to-courts claim was proper based on absolute quasi-judicial immunity, see Martin v. Hendren, 127 F.3d 720, 721 (8th Cir. 1997), and failure to state a constitutional violation. The district court also properly refused to exercise its supplemental jurisdiction over the pendent negligence claim, which it dismissed without prejudice. See 28 U.S.C. § 1367(c)(3). So that Berger may pursue whatever state law claims he might have against Vera Reynolds--against whom he asserted the denial-of-access claim for allegedly refusing to file certain papers--we modify Reynolds's dismissal to be without prejudice also.

Accordingly, we affirm the judgment of the district court as modified. See 8th Cir. R. 47B.

A true copy.

Attest:

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

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.