

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2146

Jimmy Jay Michalek,

Appellant,

v.

Daryl Miner, Sheriff of Tripp County,
South Dakota; Donald Manger, Sheriff
of Lyman County, South Dakota,

Appellees.

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* Appeal from the United States
* District Court for the District
* of South Dakota.
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* [UNPUBLISHED]
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Submitted: July 30, 2003
Filed: August 5, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

South Dakota inmate Jimmy Jay Michalek appeals from the district court's* preservice dismissal without prejudice of Michalek's civil complaint. Having reviewed the record de novo, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam), we conclude the district court properly dismissed the complaint. We also note the district court's without-prejudice dismissal permits Michalek to refile

*The Honorable Lawrence L. Piersol, Chief Judge, United States District Court for the District of South Dakota.

his suit against the individual jailers involved in allegedly ignoring his medical needs after he exhausts any available administrative remedies. Accordingly, we affirm. See 8th Cir. R. 47A(a).

A true copy.

Attest:

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