

No. 04-3967

Before ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Minnesota inmate Beck appeals the district court's* pre-service dismissal of Beck's 42 U.S.C. § 1983 action, under to 28 U.S.C. § 1915A, and the denial of his Federal Rules of Civil Procedure 60(b) motion. Having reviewed the record de novo, we conclude dismissal was proper. See Beck v. LaFleur, 257 F.3d 764, 766 (8th Cir. 2001) (prisoner must allege defendant's personal involvement or responsibility for constitutional violations to state § 1983 claim); Frey v. City of Herculaneum, 44 F.3d 667, 672 (8th Cir. 1995) (civil rights plaintiff cannot pursue section 1983 claim against officials under respondeat superior theory). We also conclude the district court did not abuse its discretion in denying Beck's Rule 60(b) motion, see Jones v. United States, 255 F.3d 507, 511 (8th Cir. 2001) (Rule 60(b) authorizes relief in only most exceptional circumstances), nor did the district court abuse its discretion when it refused to disqualify the district judge and magistrate judge assigned to Beck's complaint, see In re Hale, 980 F.2d 1176, 1178 & n.6 (8th Cir. 1992) (standard of review; judge is to take into consideration all circumstances both public and private and determine if reasonable, uninvolved observer would question judge's impartiality). Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Beck's motion for the appointment of counsel.

*The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.