

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 05-1309

---

Harlan L. Jacobsen, Editor/Publisher  
of Solo RFD and Single Scene,

Plaintiff - Appellant,

v.

Darrel Rensink, Director of IA DOT;  
William Zitterich, Director of  
Maintenance Services of IA DOT,

Defendants - Appellees.

\*  
\*  
\*  
\*  
\* Appeal from the United States  
\* District Court for the  
\* Northern District of Iowa.  
\*  
\* [UNPUBLISHED]  
\*  
\*  
\*

---

Submitted: March 16, 2006

Filed: May 15, 2006

---

Before MELLOY, FAGG, and BENTON, Circuit Judges.

---

PER CURIAM.

Harlan Jacobsen appeals the magistrate judge's<sup>1</sup> grant of defendants' motion for relief from a 1998 preliminary injunction delineating the restrictions that defendants could enforce on Jacobsen's placement of newsracks at Iowa highway rest areas. We affirm.

---

<sup>1</sup>The Honorable Paul A. Zoss, United States Magistrate Judge for the Northern District of Iowa to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

In a related case before us on appeal, Jacobsen v. Dep't of Transp., et al., No. 04-3716 (which we affirm today), the district court<sup>2</sup> held that the rest areas at issue are nonpublic fora, and that the present restrictions governing placement of the newsracks comply with the constitutional protection afforded non-public fora. In light of that holding and the constitutional restrictions with which defendants must comply in the future given the status of the rest areas as nonpublic fora, we conclude that the magistrate judge did not abuse his discretion in dissolving the preliminary injunction. See Fed. R. Civ. P. 60(b)(5) (court may relieve party of order if, inter alia, it is no longer equitable that judgment should have prospective relief), (b)(6) (court may relieve party from order for any non-listed reason justifying relief).

Accordingly, we affirm. See 8th Cir. R. 47B.

---

---

<sup>2</sup>The Honorable Mark W. Bennett, Chief Judge, United States District Court for the Northern District of Iowa.