

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

No. 09-1397

Paul Michael Blaise,

Appellant,

v.

Dr. Jason Smith; PSS Hope Prentice;
PSS Hirschman; TPS Jennifer
Macklem,

Appellees.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: November 23, 2009
Filed: January 12, 2010

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Paul Blaise appeals the district court's¹ preservice dismissal of his 42 U.S.C. § 1983 action. Upon careful review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (de novo review), we affirm the dismissal for the reasons stated by the district court, see 8th Cir. R. 47B. However, to the extent Blaise's claims for damages were dismissed pursuant to Heck v. Humphrey, 512 U.S. 477, 486-87

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

(1994), we modify the dismissal to be without prejudice, see Schafer v. Moore, 46 F.3d 43, 45 (8th Cir. 1995) (per curiam) (dismissal under Heck should be without prejudice so plaintiff can refile if he satisfies Heck requirements).
