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(Neb.)- Fed Appeals Court Upholds Dismissal Of Inmate Suit



By: Jeremy Anderson Posted at: 02/14/2013 02:13 PM

OMAHA, Neb. (AP) - A federal appeals court has upheld the dismissal of a lawsuit accusing Nebraska prison officials of reneging on a 2005 agreement to accommodate Native American inmates' religious and cultural needs.

The 8th U.S. Circuit Court of Appeals on Thursday affirmed U.S. District Judge Warren Urbom's Feb. 6 dismissal of the complaint, brought by inmate Michael Joseph Sims.

Sims said in his motion that state prison leaders have violated the agreement by not allowing ceremonial foods - such as fry bread, buffalo and corn - and denying access to eagle feathers for ceremonial use, among other things.

Urbom said he had no jurisdiction to enforce the terms of the agreement, but suggested the case be filed in a state court.