

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MAY 7 2002

PATRICK FISHER
Clerk

FALCON RIDGE DEVELOPMENT,
LLC, a New Mexico limited liability
company,

Plaintiff - Appellant,

v.

THE CITY OF RIO RANCHO, a
municipal corporation; DAIN
RAUSCHER, a Minnesota corporation;
GEORGE K. BAUM AND COMPANY,
a Missouri corporation,

Defendants - Appellees.

No. 01-2127
(D. C. No. CIV-99-1365-MV/LFG)
(D. New Mexico)

ORDER AND JUDGMENT*

Before **HENRY** and **PORFILIO**, Circuit Judges, and **SAM**, District Judge.**

Plaintiff Falcon Ridge Development, LLC, appeals the judgment of the district court which granted the City of Rio Rancho's (the "City") partial motion to dismiss plaintiff's two claims for violation of substantive due process. The district court granted

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgement may be cited under the terms and conditions of 10th Cir. R. 36.3.

**The Honorable David Sam, Senior Judge, United States District Court for the District of Utah, sitting by designation.

the City's partial motion to dismiss the two federal claims concluding that plaintiff did not have protected property or liberty interests. The district court declined to exercise supplemental jurisdiction over the remaining state law claims. We **AFFIRM** for substantially the reasons given by the district court.

Entered for the Court

David Sam
District Judge