

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**NOV 29 2001**

**PATRICK FISHER**  
Clerk

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GEORGE MURPHY,

Plaintiff-Appellant,

v.

D.V. DEVENISH; COLBY RUSSELL;  
CASEY NELSON, also known as  
Casey; PRECISION TOWING;  
S. MARTIN,

Defendants-Appellees.

No. 01-4072  
(D.C. No. 00-CV-177-K)  
(D. Utah)

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**ORDER AND JUDGMENT** \*

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Before **KELLY**, **BALDOCK**, and **LUCERO**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff George Murphy filed a civil rights suit under 42 U.S.C. § 1983 protesting the seizure and impoundment of his vehicle. The district court ruled that the state defendants enjoyed qualified immunity and that the remaining defendants did not act under color of state law. Murphy appeals. The parties are familiar with the facts, so we need not repeat them here. We affirm the judgment of the district court for substantially the reasons stated by the court in its order dated March 21, 2001.

The judgment of the United States District Court for the District of Utah is  
**AFFIRMED.**

Entered for the Court

Bobby R. Baldock  
Circuit Judge