

**Filed 10/31/95**

UNITED STATES COURT OF APPEALS  
TENTH CIRCUIT

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FRIZELLE AGUILAR,  
Plaintiff - Appellant,  
v.  
TOM NEWTON and ATTORNEY  
GENERAL FOR THE STATE OF NEW  
MEXICO,  
Defendants - Appellees.

No. 95-2013  
(D.C. No. CIV 94-534 M/LFG)  
(District of New Mexico)

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ORDER AND JUDGMENT\*

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Before SEYMOUR, Chief Judge, McKAY and HENRY, 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); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

We grant Respondent's motion to strike all documents, letters, pleadings, receipts, and all other materials filed by

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 the court's General Order filed November 29, 1993. 151 F.R.D. 470.

Petitioner, except Petitioner's brief, and to strike attachments three and four to her brief. The stricken documents are not properly before this court because they were not received into evidence by the magistrate judge or the district court. Aero-Medical, Inc. v. United States, 23 F.3d 328, 329 n.2 (10th Cir. 1994).

We AFFIRM for the reasons provided by the magistrate judge as adopted by the district court. The mandate shall issue forthwith.

ENTERED FOR THE COURT

Monroe G. McKay  
Circuit Judge