

UNITED STATES COURT OF APPEALS

**Filed 4/29/96**

TENTH CIRCUIT

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DELMA MARTINEZ,

Plaintiff-Appellant,

v.

LAS VEGAS MEDICAL CENTER;  
JOHN GAITLING, Forensic Director,

Defendants-Appellees.

No. 95-2227  
(D.C. New Mexico)  
(D.C. No. CIV-95-830-SC)

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**ORDER AND JUDGMENT\***

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Before **ANDERSON, BARRETT** and **MURPHY**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Plaintiff Delma Martinez appeals the judgment of the district court granting

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This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata* and collateral estoppel.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.

summary judgment to defendant John Gaitling on Martinez's civil rights action pursuant to 42 U.S.C. § 1983. In a rambling and incoherent complaint, Martinez asserted that Gaitling, the Forensic Director of the Las Vegas Medical Center, had falsified her pre-trial competency evaluations, denied her access to a law library, deprived her of property without due process of law, and unlawfully searched her attache case. The district court dismissed the complaint *sua sponte* under 28 U.S.C. § 1915(d) as frivolous. This appeal followed.

Upon careful consideration of the complaint and the record on appeal, we affirm for substantially the reasons stated in the district court's Memorandum and Order dated September 26, 1995.

The Judgment of the United States District Court for the District of New Mexico is hereby **AFFIRMED**.

ENTERED FOR THE COURT

Michael R. Murphy  
Circuit Judge