

UNITED STATES COURT OF APPEALS

Filed 1/6/97

TENTH CIRCUIT

EUGENE T. FOUST,

Plaintiff-Appellant,

and

MARY ANN JOHNSON FOUST, and
MARGARET ANN JOHNSON, an alleged
deprived child,

Plaintiffs,

v.

ORAL ROBERTS UNIVERSITY; ORAL
ROBERTS; RICHARD ROBERTS; CLARENCE
BOYD; MICHAEL YOAKUM; SCOTT SMITH;
GARY L. GIBSON; LARRY JOHNSON; and
GINA M. CHOROST,

Defendants-Appellees.

No. 95-5046
(D.C. No. 92-C-909-C)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **BRORBY, EBEL** and **KELLY**, Circuit Judges.

* This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata* and collateral estoppel.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

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.

Mr. Foust is a pro se civil litigant. Mr. Foust filed this action and appealed an adverse decision granting defendants summary judgment. We affirmed in an unpublished decision. *See Foust v. Oral Roberts University*, No. 93-5169 (10th Cir. Apr. 5, 1994).

Mr. Foust then returned to district court and filed a motion to remand this case to the state court system. The district court denied the motion, and Mr. Foust now appeals.

The law of the case bars this appeal. The decision of the district court is **AFFIRMED.**

Entered for the Court

WADE BRORBY
United States Circuit Judge