

**UNITED STATES COURT OF APPEALS**

**Tenth Circuit**

**Byron White United States Courthouse**

**1823 Stout Street**

**Denver, Colorado 80294**

**(303) 844-3157**

**Patrick J. Fisher, Jr.**  
Clerk

**Elisabeth A. Shumaker**  
Chief Deputy Clerk

November 8, 1996

**TO:** All recipients of the captioned order and judgment

**RE:** 96-1072 Lyons v. Claar  
October 21, 1996

Please be advised of the following correction to the captioned decision:

Inadvertently, the hard copy of the order and judgment was stamped with the incorrect filed date (October 22, 1996). The correct filed date is October 21, 1996.

Please make the appropriate correction.

Very truly yours,

Patrick Fisher, Clerk

Susan Tidwell  
Deputy Clerk

No. 96-1072, Lyons v. Claar

Attachment not available electronically.

UNITED STATES COURT OF APPEALS

Filed 10/21/96

TENTH CIRCUIT

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JOSEPH C. LYONS

Plaintiff-Appellant,

v.

NARD CLAAR; JOSE VEGA;  
BECKY ROMANO; JERRY  
KIMBREL,

Defendants-Appellees.

No. 96-1072  
(D.C. No. 95-S-2785)  
(D. Colo.)

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**ORDER AND JUDGMENT\***

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Before **BRORBY**, **EBEL** 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.

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\* This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata* and collateral estoppel.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

Mr. Lyons is a pro se litigant and a state inmate. The trial court dismissed Mr. Lyons' complaint as frivolous and Mr. Lyons appeals.

Mr. Lyons sued four prison officials alleging they transferred him from a higher paying prison job to a lower paying prison job. He asked for restoration of his previous job, back pay and bonuses, and an injunction to prevent any retaliation.

The district court, in a well reasoned opinion, concluded the claims should be dismissed as frivolous.

Mr. Lyons appeals this decision. Mr. Lyons' brief is not persuasive and is based upon a misunderstanding of the law. The basic premise of Mr. Lyons' brief is that somehow he has a constitutional right to his former job. This simply is not the case.

The judgment of the district court is **AFFIRMED** for substantially the same reasons set forth in the order of the district court, a copy of which is attached.

**Entered for the Court**

**WADE BRORBY**  
United States Circuit Judge