

MAR 31 1997

PATRICK FISHER
Clerk

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

KATHLEEN J. BOYER,

Plaintiff-Appellant,

v.

JOHNSON COUNTY BOARD OF
COUNTY COMMISSIONERS,

Defendant-Appellee.

No. 96-3123
(D.C. No. 94-4078-SAC)
(D. Kan.)

ORDER AND JUDGMENT*

Before BRORBY and KELLY, Circuit Judges, and CAUTHRON,** District Judge.

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.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** Honorable Robin J. Cauthron, District Judge, United States District Court for the Western District of Oklahoma, sitting by designation.

In this action alleging an unlawful constructive discharge from public employment, plaintiff appeals the district court's decision dismissing her state law claim, see Fed. R. Civ. P. 12(b)(6), and granting defendant summary judgment on her 42 U.S.C. § 1983 claim, see Fed. R. Civ. P. 56(c). Reviewing the district court's decisions de novo, see McCarter v. West, 105 F.3d 1335, 1336 (10th Cir. 1997) (summary judgment); Yoder v. Honeywell Inc., 104 F.3d 1215, 1224 (10th Cir. 1997) (Rule 12 (b)(6)), we AFFIRM for substantially the reasons stated in the district court's memorandum and order dated March 5, 1996, Boyer v. Board of County Comm'rs, 922 F. Supp. 476 (D. Kan. 1996).

Entered for the Court

Wade Brorby
Circuit Judge