

APR 25 1997

PATRICK FISHER
Clerk

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

STEVEN CARLO BASOLO,

Plaintiff - Appellant,

v.

WILLIAM L. MILLER, MILLER &
FASSE, P.C., CHERYL RANCK
SCHWARTZ, RANCK & SCHWARTZ,

Defendants - Appellees.

Nos. 96-8106 and 96-8107
(D.C. Nos. 96-CV-1045 & 96-CV-1031)
(District of Wyoming)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **PORFILIO**, and **MURPHY**, Circuit Judges.

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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Steven Carlo Bassolo, acting pro se, filed two complaints in the district court asserting claims under 42 U.S.C. §§ 1983 and 1985 against two attorneys and their firms. The district court dismissed with prejudice for failure to state a claim under Fed. R. Civ. P. 12(b)(6). We consolidate the cases here merely for disposition because of their common issues.

We have examined the briefs and the record and agree with the district court's legal analysis in all respects. *See Barnard v. Young*, 720 F.2d 1188, 1189 (10th Cir. 1983) (a private attorney is not a state actor under § 1983 even though he is an officer of the court); *Meeker v. Kercher*, 782 F.2d 153, 155 (10th Cir. 1986) (a guardian ad litem is not a state actor under § 1983); *Bray v. Alexandria Women's Health Clinic*, 113 S. Ct. 753, 758 (1993) (failure to assert a race based animus bars an action under § 1985). These cases are unassailable impediments to Mr. Basolo's ability to state a claim upon which relief can be granted. The judgments are **AFFIRMED** substantially for the reasons stated by the district court.

ENTERED FOR THE COURT

John C. Porfilio
Circuit Judge