

FEB 27 1998

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

PATRICK FISHER
Clerk

RICHARD ANTHONY BOURIE,
Petitioner - Appellant,

v.

ATTORNEY GENERAL OF THE
STATE OF COLORADO,

Respondent - Appellee.

No. 97-1343

(D. Colorado)

(D.C. No. 97-B-1625)

ORDER AND JUDGMENT*

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*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Appellant Richard Anthony Bourie, proceeding *pro se*, appeals the dismissal of his 28 U.S.C. § 2254 habeas action, in which he sought relief from a civil, state personnel “corrective action” he received based on his use of excessive force in the course of an arrest he made while employed as a police officer by the University of Colorado Health Sciences Center. The district court held it lacked jurisdiction to hear a habeas petition based solely on a civil state personnel proceeding, and dismissed Mr. Bourie’s petition.

We deny Mr. Bourie’s request for a certificate of appealability and dismiss his petition for substantially the reasons stated in the district court’s order dated August 26, 1997.

ENTERED FOR THE COURT

Stephen H. Anderson
Circuit Judge