

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**JUL 17 1998**

**PATRICK FISHER**  
Clerk

MICHAEL J. FRISCHENMEYER,

Plaintiff-Appellant,

v.

FRANK GONZALES, McKinley  
County Sheriff; and DANNY ROSS,  
Police Chief, Gallup, N.M.,

Defendants-Appellees.

No. 97-2010  
(D.C. No. CIV-96-110-JP)  
(D.N.M.)

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**ORDER AND JUDGMENT** \*

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Plaintiff-Appellant Michael J. Frischenmeyer appeals from the district court's order granting summary judgment to defendants-appellees on his complaint pursuant to 42 U.S.C. § 1983. He raises the following issues: (1) he has demonstrated actual injury resulting from the denial of access to a law library; (2) he was entitled to exercise outdoors; and (3) he was placed in administrative segregation without due process of law.

Having reviewed the record, the briefs and the pertinent authorities, we do not find any reversible error in the district court's order awarding summary judgment to defendants-appellees. The judgment of the United States District Court for the District of New Mexico is therefore AFFIRMED.

Entered for the Court

Bobby R. Baldock  
Circuit Judge