

UNITED STATES COURT OF APPEALS

OCT 22 1997

TENTH CIRCUIT

PATRICK FISHER
Clerk

ORLANDO F. RODRIGUEZ,
Plaintiff - Appellant,

v.

STATE OF NEW MEXICO,
Defendant - Appellee.

No. 97-2084

(D.C. No. CIV-96-1550-JP)

(D. New Mexico)

ORDER AND JUDGMENT*

Before BALDOCK, McKAY, and LUCERO, Circuit Judges.

After examining the briefs and the appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Plaintiff, a citizen of New Mexico, appeals an order of the United States District Court for the District of New Mexico dismissing his section 1983 action for damages against the State of New Mexico because of Eleventh Amendment immunity.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

We affirm for the reasons given by the trial court in its Order of Dismissal filed
January 15, 1997.

AFFIRMED.

Entered for the Court

Monroe G. McKay
Circuit Judge