

UNITED STATES COURT OF APPEALS

OCT 17 1997

TENTH CIRCUIT

PATRICK FISHER
Clerk

LONNIE-SCOTT HOLDEN,

Plaintiff - Appellant,

v.

LARRY D. HOLDEN,

Defendant - Appellee.

No. 97-3048

(D.C. No. 96-2154-KHV)

(D. Kan.)

ORDER AND JUDGMENT*

Before BALDOCK, McKAY, and LUCERO, Circuit Judges.

After examining the briefs and the 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.

Defendant-Appellee has filed a motion to strike Plaintiff-Appellant's Reply Brief, and Plaintiff-Appellant has filed a response to this motion. The Motion to Strike is hereby DENIED.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

The judgment of the trial court is affirmed for the reasons given in its
Memorandum and Order filed February 12, 1997.

AFFIRMED.

Entered for the Court

Monroe G. McKay
Circuit Judge