

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

**MAR 25 1998**

**PATRICK FISHER**  
Clerk

ELDON FORREST WENDLAND and  
ARLYSS MARIE WENDLAND,

Plaintiffs - Appellants,

v.

EDWIN A. VAN PATTEN, Attorney;  
WILTON B. THOMAS; KAREN  
MCCULLAH; HARLAN W.  
GRAHAM; JIM WILIAMS; JOHN R.  
YOUNG; ROBERT C. LITTRELL;  
LOLA L. DANIELSON; and  
NORMAN H. DANIELSON,

Defendants - Appellees.

No. 97-3304

(D.C. No. 97-4162-DES)

(D. Kan.)

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**ORDER AND JUDGMENT\***

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Before **ANDERSON, McKAY, and LUCERO**, Circuit Judges.

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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.

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Plaintiffs-Appellants, Mr. Eldon Forrest Wendland and Ms. Arlyss Marie Wendland, brought suit against Defendants-Appellees, alleging that Defendants violated Plaintiffs' rights under the U.S. Constitution. See R., Vol. I, Doc. 1 at 3. Defendants filed motions to dismiss the case pursuant to Federal Rule of Civil Procedure 12(b)(6). See id. at Docs. 2, 3, 4, 6, 9, 12. The district court granted Defendants' motions to dismiss, see id. at Docs. 16, 17. Plaintiffs then filed this appeal, contending that the district court's dismissal of their suit was in error. After a thorough review of the briefs and the record on appeal, we affirm the judgment of the district court for the reasons given in its Memorandum and Order filed October 6, 1997.

AFFIRMED.

Entered for the Court

Monroe G. McKay  
Circuit Judge