

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JAN 15 1999

PATRICK FISHER
Clerk

ELISEO C. DURAN,

Plaintiff-Appellant,

v.

JOSEPH R. GREENE, District Director of
the 19th District of the United States
Immigration and Naturalization
Service; IMMIGRATION &
NATURALIZATION SERVICE,
United States Department of Justice,

Defendants-Appellees.

No. 98-1356

(D.C. No. 97-N-1865)
(Colo.)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **BALDOCK**, and **HENRY**, Circuit Judges.**

Plaintiff Eliseo C. Duran appeals from the district court's judgment upholding a decision of the INS forfeiting an immigration bond upon which Plaintiff was the obligor.

We have reviewed the parties' briefs, and carefully examined the entire record on appeal.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1.(G). The case is therefore ordered submitted without oral argument.

Based upon our review of the record, we conclude that the district court properly granted summary judgment in favor of Defendants, and affirm substantially for the reasons set forth in the magistrate judge's recommendation on the parties' cross motions for summary judgment, and the district judge's subsequent order adopting that recommendation.

AFFIRMED.

Entered for the Court,

Bobby R. Baldock
Circuit Judge