

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

SEP 9 1998

PATRICK FISHER
Clerk

ROLLY O. KINNELL,

Plaintiff - Appellant,

v.

DEPARTMENT OF JUSTICE; DRUG
ENFORCEMENT
ADMINISTRATION, Janet Reno,
Department of Drug Enforcement;
ATTORNEY GENERAL OF THE
STATE OF KANSAS, Carla J. Stovall;
GOVERNOR OF THE STATE OF
KANSAS, Bill Graves,

Defendants - Appellees.

No. 98-3085

(D. Kansas)

(D.C. No. 96-CV-3008)

ORDER AND JUDGMENT*

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

After examining the briefs and appellate record, this panel has determined unanimately that oral argument would not materially assist the determination of

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Having reviewed the file in this case, we conclude that this appeal is frivolous. We deny Mr. Kinnell's motion to proceed without prepayment of costs or fees, and this appeal is DISMISSED. See 28 U.S.C. § 1915(e)(2)(B)(i).

ENTERED FOR THE COURT

Stephen H. Anderson
Circuit Judge