

AUG 17 1998

PATRICK FISHER
Clerk

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

TERRY F. WALLING,

Plaintiff-Appellant,

v.

CHARLES SIMMONS, Kansas Secretary
of Corrections,

Defendant-Appellee.

No. 98-3115
(D.C. No. 94-CV-3398)
(District of Kansas)

ORDER AND JUDGMENT*

Before **PORFILIO, KELLY**, and **HENRY**, Circuit Judges.

After examining the briefs and 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.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Terry F. Walling appeals the order of the district court granting summary judgment against him on his complaint for declaratory judgment and injunctive relief. Our review of the records reveals the district court did not err in its judgment, and we **AFFIRM** for the same reasons given by the district court in its order.

ENTERED FOR THE COURT

John C. Porfilio
Circuit Judge