

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

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**OCT 29 1999**

**PATRICK FISHER**  
Clerk

ADRIAN RUSSELL HICKEY,

Plaintiff-Appellant,

v.

(NFN) VAN AUSTIN, individually  
and as the psychiatrist at the Utah  
State Prison; BLEN FREESTONE,  
individually and as a physician  
assistant at the Utah State Prison;  
SCOTT CARVER; C. ROBERT  
JONES, O. LANE MCCOTTER,  
DARIN DURFEY, DAVID  
BRADBURY, TONY JOHNSON,  
ADAM COLLINGS, (NFN)  
GORDON, GARY FRAMPTON, RON  
ORTIZ, (NFN) ZIMMERMAN,  
RONNIE SCHAUGAARD, MIKE  
HOWARD, JAY BROWN, HOWARD  
MERRILL, GLADE ANDERSON,  
KIRK MONCRIEF, JAMES  
THOMPSON, STEPHEN TUTTLE,  
DAVID EGLI, Medical Doctor at the  
Utah State Prison,

Defendants-Appellees.

No. 98-4193  
(D.C. No. 93-CV-706-B)  
(D. Utah)

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**ORDER AND JUDGMENT** \*

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

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Before **BALDOCK** , **BARRETT** , and **McKAY**, Circuit Judges.

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After examining plaintiff's brief 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)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Plaintiff Adrian Russell Hickey, proceeding pro se, appeals from the district court's denial of injunctive relief and from a jury verdict against him on claims of constitutional violations in connection with his current imprisonment. He raises three issues, contending that his case should be remanded to the district court for a new trial because 1) motions in limine granted before trial were violated, 2) the exclusionary rule was violated during trial, and 3) defense counsel made prejudicial remarks about plaintiff to the jury. After review of plaintiff's brief on appeal, we conclude that this appeal should be dismissed. Plaintiff has failed to provide either factual or legal support for his claims as required by applicable federal rules. Pro se litigants must "comply with the fundamental

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\*(...continued)  
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.

requirements of the Federal Rules of Civil and Appellate Procedure.” *Odgen v. San Juan County* , 32 F.3d 452, 455 (10th Cir. 1994) (citation omitted).

The appeal is DISMISSED.

Entered for the Court

James E. Barrett  
Senior Circuit Judge