

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JUN 30 1999

PATRICK FISHER
Clerk

SAUL BROWN, JR.,

Plaintiff - Appellant,

vs.

STATE OF UTAH,

Defendant - Appellee.

No. 98-4212
(D.C. No. 98-CV-724-B)
(D. Utah)

ORDER AND JUDGMENT*

Before **ANDERSON, KELLY, and BRISCOE**, Circuit Judges.**

Mr. Brown, appearing pro se, appeals from the district court's dismissal of his civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

The suit against the State is barred by Eleventh Amendment immunity, see Seminole Tribe of Florida v. Florida, 517 U.S. 44, 58 (1996), and the claims involve matters not justiciable. The district court's order dismissing the

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1 (G). The cause is therefore ordered submitted without oral argument.

complaint is

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge