

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

**DEC 13 2002**

**PATRICK FISHER**  
Clerk

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J.W. EDWARD WORTHAM, JR.,  
Ph.D.; HAROLD L. BROOKS, M.D.,

Plaintiffs-Appellants,

v.

DAVID L. BOREN, President of the  
University of Oklahoma; JOSEPH  
HARROZ, JR., General Counsel for  
the University of Oklahoma; JOSEPH  
FERRETTI, Senior Vice President and  
Provost of the University of Oklahoma  
Health Sciences Center; J. THOMAS  
MAY, Chairman of the Faculty  
Appeals Board,

Defendants-Appellees.

No. 01-5206  
(D.C. No. 00-CV-1054-C)  
(N.D. Okla.)

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**ORDER AND JUDGMENT** \*

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Before **KELLY**, **BALDOCK**, and **LUCERO**, Circuit Judges.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Appellants challenge the district court's grant of summary judgment to appellees on claims of coercion and violation of procedural and substantive due process, brought pursuant to 42 U.S.C. § 1983, in connection with their resignation from tenured positions with the University of Oklahoma Health Science Center.<sup>1</sup> The district court concluded that appellees were qualifiedly immune and that appellants' conduct in resigning and signing releases in exchange for severance benefits was voluntary.

We have jurisdiction over this appeal by virtue of 28 U.S.C. § 1291. We review the district court's summary judgment ruling de novo, including its qualified immunity ruling, applying the same standards as that court. *Simms v. Okla. ex rel. Dep't of Mental Health & Substance Abuse Servs.*, 165 F.3d 1321, 1326 (10th Cir. 1999); *Pallottino v. City of Rio Rancho*, 31 F.3d 1023, 1026 (10th Cir. 1994) (qualified immunity). After review of the parties' briefs and their accompanying appendices,<sup>2</sup> we conclude that the district court's ruling was

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<sup>1</sup> After examining the briefs and appellate record, this panel has determined unanimously to grant 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.

<sup>2</sup> Our review of appellants' contentions on appeal was unaided by counsel's failure to 1) provide any citations to the record in support of the Statement of Facts, *see* Fed. R. App. P. 28(a)(7); 2) provide reference to the record in support of the legal arguments made, *see United States v. Rodriguez-Aguirre*, 108 F.3d 1228, 1237 n.8 (10th Cir. 1997); 3) include sufficient portions of the record to support the arguments made, *see Scott v. Hern*, 216 F.3d 897, 912 (10th Cir.

(continued...)

correct. Accordingly, for substantially the same reasons set forth in the court's Order dated October 16, 2001, the judgment of the United States District Court for the Northern District of Oklahoma is AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge

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<sup>2</sup>(...continued)  
2000); and 4) identify where each issue argued on appeal was raised and ruled on below, *see* 10th Cir. R. 28.2(C)(2).