

UNITED STATES COURT OF APPEALS

NOV 25 2003

TENTH CIRCUIT

PATRICK FISHER
Clerk

DWAYNE GARRETT,

Plaintiff - Appellant,

v.

ARDELL SCHULER, an individual;
and OPAL A. CARTER, an individual,

Defendants - Appellees.

No. 03-7067

(D.C. No. CV-03-150-S)

(E.D. Okla.)

ORDER AND JUDGMENT*

Before **HARTZ, McKAY, and McCONNELL**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f). The case is therefore submitted without oral argument.

Because none of the named judges is on the panel in this case, the motion to disqualify is denied as moot. There being no merit to the appeal, the decision

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

of the district court is **AFFIRMED**.

Entered for the Court

PER CURIAM