

UNITED STATES COURT OF APPEALS

OCT 13 1999

TENTH CIRCUIT

PATRICK FISHER
Clerk

ROBERT LESLIE RICE,

Plaintiff-Appellant,

v.

WILEY CHRISTOPHER, Deputy District
Attorney, Mesa County; ERIN TOBIN,
Paralegal Extradition Specialist, District
Attorney's Office; FRANK J. DANIELS,
District Attorney, Grand Junction; RIECKE
CLAUSEN, Sheriff, Mesa County, Grand
Junction, Colorado,

Defendants-Appellees.

No. 98-1427
(D.C. No. 97-Z-1801)
(D. Colo.)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **BALDOCK** and **HENRY**, 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); 10th Cir. R. 34.1(A)(2). The case is

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, or collateral estoppel.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

therefore ordered submitted without oral argument.

Robert Leslie Rice filed this civil rights complaint under 42 U.S.C. §1983 alleging that defendants were liable for unlawfully detaining him when he should have been permitted to obtain his release by posting a bond. Based on the recommendation of the magistrate judge, the district court granted summary judgment for defendants. Mr. Rice appeals.

The recommendation of the magistrate judge details chronologically the events whereby California initially filed a parole violator warrant against Mr. Rice as a fugitive on November 30, 1994. This matter was ultimately dismissed and seems to be the basis for Mr. Rice's confusion. Subsequently the Governor of California filed a new warrant on March 21, 1996, requesting the extradition of Mr. Rice. The Colorado Governor issued an Extradition Warrant on May 13, 1996. It is this latter warrant that precluded defendants from releasing Mr. Rice.

For the reasons set out in the magistrate judge's recommendation, we are persuaded that the district court properly granted summary judgment for defendants. Accordingly, the judgment of the district court is **AFFIRMED**. The mandate shall issue forthwith.

ENTERED FOR THE COURT

Stephanie K. Seymour
Chief Judge