

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

SEP 1 2000

PATRICK FISHER
Clerk

THE BOARD OF COUNTY
COMMISSIONERS OF THE
COUNTY OF GILPIN, COLORADO;
GILPIN COUNTY DEPUTY
SHERIFF JOHN BAYNE, in his
individual capacity; GILPIN COUNTY
SHERIFF BRUCE HARTMAN, in his
official capacity,

Plaintiffs-Appellees,

v.

ROBERT NELSON ENTRUP,

Defendant-Appellant.

No. 99-1588
(D.C. No. 96-B-1531)
(D. Colo.)

ORDER AND JUDGMENT *

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

Defendant Robert Entrup appeals the district court's order of October 28, 1999, entering summary judgment against him on a state law claim of conversion pursued by Gilpin County, and the district court's order of November 24, 1999,

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

denying his motion to alter or amend the judgment under Fed. R. Civ. P. 59(e).

Mr. Entrup also seeks leave to proceed on appeal in forma pauperis.¹ The parties are familiar with the facts, and we will not repeat them.

We review the district court's grant of summary judgment de novo, and we review its denial of the Rule 59(e) motion for an abuse of discretion. *See Anderson v. Coors Brewing Co.*, 181 F.3d 1171, 1175 (10th Cir. 1999) (summary judgment); *Phelps v. Hamilton*, 122 F.3d 1309, 1324 (10th Cir. 1997) (Rule 59(e) motion). Based upon our review of the parties' briefs, the record, and the pertinent law, we conclude the district court did not err in entering summary judgment against Mr. Entrup on the conversion claim or in denying his Rule 59(e) motion.

¹ After examining the briefs and 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.

Therefore, we AFFIRM the district court for substantially the reasons set forth in its orders of October 28, 1999, and November 24, 1999. Mr. Entrup's motion for leave to proceed on appeal in forma pauperis is GRANTED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge