

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

AUG 21 2000

PATRICK FISHER
Clerk

ROLAND S. WEAVER,

Plaintiff-Appellant,

v.

CARLA STOVALL, Attorney General
of the State of Kansas; JOHN
CASSIDY; M. J. WILLOUGHBY;
THOMAS R. CONKLIN, Judge of
Division 13, Shawnee County District
Court; TERRY BULLOCK; JAN
LEUENBERGER,

Defendants-Appellees.

No. 99-3394
(D.C. No. 99-CV-4052-RDR)
(D. Kan.)

ORDER AND JUDGMENT *

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

After examining the briefs and appellate record, this panel has determined
unanimously that oral argument would not materially assist the determination of

* This order and judgment is not binding precedent, except under the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.

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.

Plaintiff Roland S. Weaver, Jr. brought this action alleging the improper seizure of his vehicles and related activities in violation of his constitutional rights and federal and state statutes including the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213. The district court determined that plaintiff's claims against Kansas Attorney General Stovall and assistant attorneys general Cassidy and Willoughby were barred by Eleventh Amendment to the Constitution, which prohibits, in circumstances like these, the filing of a lawsuit in federal court, and that the claims against Judges Conklin, Bullock and Leuenberger, who are state court judges in Shawnee County, Kansas, were barred by judicial immunity. The court also determined that plaintiff's claims were barred under the *Rooker-Feldman* doctrine to the extent he was seeking review of the final judgment of a state court. *See Rooker v. Fidelity Trust Co.* , 263 U.S. 413, 415-16 (1923); *District of Columbia Court of Appeals v. Feldman* , 460 U.S. 462, 482-86 (1983). It denied his request for injunctive relief as moot. The court therefore dismissed plaintiff's complaint. He now appeals and requests leave to proceed in forma pauperis.

Plaintiff's request to proceed in forma pauperis is GRANTED. We review the district court's decision to dismiss on Eleventh Amendment, judicial

immunity, and *Rooker-Feldman* grounds de novo. See *Powder River Basin Resource Council v. Babbitt* , 54 F.3d 1477, 1483 (10th Cir. 1995) (Eleventh Amendment); *Hunt v. Bennett* , 17 F.3d 1263, 1265 (10th Cir. 1994) (judicial immunity); *Kiowa Indian Tribe v. Hoover* , 150 F.3d 1163, 1165 (10th Cir. 1998) (*Rooker-Feldman*). We have considered plaintiff's arguments and reviewed the record, and we are not persuaded that the district court erred in dismissing plaintiff's complaint. Therefore, for substantially the same reasons as stated in the district court's September 15, 1999 memorandum and order, which is attached, the judgment of the district court is AFFIRMED. The mandate shall issue forthwith.

Entered for the Court

Robert H. Henry
Circuit Judge

Attachment not available electronically.