

UNITED STATES COURT OF APPEALS

JUN 26 2000

TENTH CIRCUIT

PATRICK FISHER
Clerk

GEORGE MICHAEL CURLEY,

Plaintiff - Appellant,

vs.

NORMAN MICK, Previous
Administrator, Otero County
Detention Center; VIC JENKINS,
Administrator, Otero County
Detention Center; VIRGINIA
BLANSETT, Lieutenant, Otero County
Detention Center; EARNIE
GRANODOS, Sergeant, Otero County
Detention Center; RANDY
BOOKOUT, Sergeant, Otero County
Detention Center; ART GRAMMONT,
Medical Officer, Otero County
Detention Center; JAGDEV SINGH,
Medical Doctor, Otero County
Detention Center, all defts sued in
their individual and official capacities,

Defendants - Appellees.

No. 99-2237

(D.C. No. CIV-98-721-JP/RLP)

(D.N.M.)

ORDER AND JUDGMENT*

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Before **BRORBY, KELLY, and MURPHY**, Circuit Judges.**

Plaintiff-Appellant George Curley, a state inmate appearing pro se, appeals from the dismissal of his 42 U.S.C. § 1983 claim. The district court dismissed the claim under 28 U.S.C. § 1915(e)(2) and Fed. R. Civ. P. 12(b)(6) as barred by principles of res judicata (claim preclusion) and collateral estoppel (issue preclusion). Our jurisdiction arises under 28 U.S.C. § 1291 and we affirm substantially for the reasons given by the district court, I R. doc. 12, noting that Mr. Curley is barred by claim preclusion given the state district court's decision on the merits on his § 1983 claims. See Curley v. Jenkins, No. 98-0171 LH/LFG, Memorandum in Support of Motion to Dismiss filed March 19, 1998 (doc. 9) (containing state court pleadings including order granting motion to dismiss).

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1 (G). The cause is therefore ordered submitted without oral argument.