

February 14, 2013

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

EVERETT HOUCK,

Plaintiff - Appellant,

v.

HAROLD BALL; JUDGE DAN
OWENS; PRISCILLA PRESLEY,

Defendants - Appellees.

No. 12-6301
(D.C. No. 12-CV-01218-HE)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **KELLY, HOLMES, and MATHESON**, Circuit Judges.**

Everett Houck filed a pro se complaint against Harold Ball, Judge Dan Owens, and Priscilla Presley, the Oklahoma County Court Clerk, seeking relief under 18 U.S.C. § 242, a criminal provision concerning the deprivation of constitutional rights under color of law. R. 3–5. The district court dismissed the action for failure to state a claim on the ground that § 242 does not provide a

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** 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.

private right of action. R. 10–11. On appeal, Mr. Houck argues that the case was dismissed prematurely. The district court was correct as there is no private right of action under § 242. See Robinson v. Overseas Military Sales Corp., 21 F.3d 502, 511 (2d Cir. 1994) (no private right of action under § 242); see also Newcomb v. Ingle, 827 F.2d 675, 676 n.1 (10th Cir. 1987) (per curiam) (no private right of action under § 241).

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge