

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

FEB 4 1991

ROBERT L. HOECKER
Clerk

ROBERT E. FOSTER, JR.,
Plaintiff-Appellant,
v.
LARRY B. BERRONG, JR.,
Defendant-Appellee.

No. 90-3099
(D.C. No. 89-3423-O)
(Dist. Kansas)

ORDER AND JUDGMENT*

Before LOGAN, SEYMOUR, and TACHA, 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 appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

Petitioner Robert E. Foster appeals the district court's dismissal of his petition for writ of habeas corpus. We have reviewed the record of the proceedings and pleadings before the military courts, as well as the pleadings filed in the district

*This order and judgment has no precedential value and shall not be cited, or used by any court within the Tenth Circuit, except for purposes of establishing the doctrines of the law of the case, res judicata, or collateral estoppel. 10th Cir. R. 36.3.

court, along with the district court's Memorandum and Order, and we have carefully considered Mr. Foster's arguments in light of these records.

Based on the principles of law set forth in Watson v. McCotter, 782 F.2d 143 (10th Cir. 1986), cert. denied, 476 U.S. 1184 (1986), we affirm substantially for the reasons stated in the district court's Memorandum and Order dated April 10, 1990. The mandate shall issue forthwith.

Entered for the Court

Stephanie K. Seymour
Circuit Judge