

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS **February 6, 2009**
TENTH CIRCUIT **Elisabeth A. Shumaker**
Clerk of Court

FRANCISCO J. REYES,

Plaintiff - Appellant,

v.

BOARD OF COUNTY
COMMISSIONERS OF THE
COUNTY OF ARAPAHOE,
COLORADO; DIANE SHOUSE;
ARAPAHOE COUNTY SHERIFF
GRAYSON ROBINSON; JOHN DOE;
JAMES ROE,

Defendants-Appellees.

FRANCISCO J. REYES,

Plaintiff - Appellant,

v.

BOARD OF COUNTY
COMMISSIONERS OF SEDGWICK
COUNTY, KANSAS; GARY STEED,
SEDGWICK COUNTY SHERIFF;
ROBERT HINSHAW, SEDGWICK
COUNTY UNDERSHERIFF,

Defendants - Appellees,

JOHN DOE; JAMES ROE; SAM
SMITH,

Defendants.

No. 08-1141
(D. Ct. No. 1:06-CV-02319-WDM-BNB)
(D. Colo.)

No. 08-3181
(D. Ct. No.2:07-CV-02193-KHV)
(D. Kan.)

ORDER AND JUDGMENT*

Before **TACHA, SEYMOUR, and HOLMES**, Circuit Judges.

Plaintiff-Appellant Francisco J. Reyes was arrested in Arapahoe County, Colorado on a facially valid warrant issued in Sedgwick County, Kansas. Following his detention in Arapahoe County, he was extradited to and detained in Sedgwick County. After his release, he filed a complaint under 42 U.S.C. § 1983 in the United States District Court for the District of Colorado and the District of Kansas, alleging violations under the Fourth and Fourteenth Amendments. Each district court granted summary judgment to the Defendants-Appellees, and Mr. Reyes appealed each decision. Because the district courts' rulings and the issues raised on appeal are identical for both appeals, we consider them together.

Mr. Reyes's claims are clearly foreclosed by *Baker v. McCollan*, 443 U.S. 137 (1979). Accordingly, and for substantially the same reasons articulated by the district courts, we **AFFIRM** the district courts' grant of summary judgment to

*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata and collateral estoppel.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

the Defendants-Appellees. The motion to seal the appendices is granted.

ENTERED FOR THE COURT,

Deanell Reece Tacha
Circuit Judge