

December 13, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

S. MOLI NGATUVAI,

Plaintiff - Appellant,

v.

TODD BRECKENRIDGE, Provo City
Officer; ROBERT TROMBLY,
Prosecutor; JUDGE FNU ROMNEY,

Defendants - Appellees.

No. 11-4025

D. Utah

(D.C. No. 2:09-CV-00803-DS)

ORDER AND JUDGMENT*

Before **BRISCOE**, Chief Judge, **MURPHY**, and **MATHESON**, Circuit Judges.

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

S. Moli Ngatuvai appeals from the district court's Fed. R. Civ. P. 12(b)(6) dismissal of his 42 U.S.C. § 1983 civil rights complaint. The district court

*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

concluded even a liberal reading of Ngatuvai's complaint, which challenged the appropriateness of a traffic citation Ngatuvai received in 2009, revealed no facts demonstrating a "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" of the United States. 42 U.S.C. § 1983. The district court further concluded that dismissal with prejudice was appropriate because Ngatuvai had been afforded ample opportunity to cure the deficiencies in his civil rights complaint.

This court reviews a dismissal pursuant to Rule 12(b)(6) de novo, applying the same standard as the district court. *Teigen v. Renfrow*, 511 F.3d 1072, 1078 (10th Cir. 2007). Upon de novo review, exercising jurisdiction pursuant to 28 U.S.C. § 1291, this court affirms the district court's order of dismissal. In so doing, this court sees no need to repeat the cogent analysis set out in the district court's order dated January 12, 2011. Accordingly, the judgment of the district court is hereby **AFFIRMED**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge