FILED
United States Court of Appeals
Tenth Circuit

July 18, 2012

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

STEVEN HOWARDS,

Plaintiff - Appellee,

v.

DANIEL MCLAUGHLIN, in his individual and official capacity; ADAM DANIELS, in his individual and official capacity,

Defendants - Appellants.

VIRGIL D. "GUS" REICHLE, JR., in his individual and official capacity; DAN DOYLE, in his individual and official capacity,

Defendants.

UNITED STATES OF AMERICA; THE STATES OF COLORADO, OKLAHOMA, UTAH, WYOMING, SOUTH CAROLINA, AND VERMONT,

Amici Curiae.

STEVEN HOWARDS,

Plaintiff - Appellee,

No. 09-1201
(D.C. No. 1:06-CV-01964-CMA-CBS)
(D. Colo.)

v.

VIRGIL D. "GUS" REICHLE, JR., in his individual and official capacity; DAN DOYLE, in his individual and official capacity,

Defendants - Appellants,

DANIEL MCLAUGHLIN, in his individual and official capacity; ADAM DANIELS, in his individual and official capacity,

Defendants.

UNITED STATES OF AMERICA,

Amicus Curiae.

No. 09-1202
(D.C. No. 1:06-CV-01964-CMA-CBS)
(D.Colo.)

ORDER AND JUDGMENT*

Before **KELLY**, **SEYMOUR**, and **LUCERO**, Circuit Judges.**

* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata and collateral estoppel.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 considering the Supreme Court's opinion remanding this case, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of these appeals. *See* Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The causes are therefore ordered submitted without oral argument.

This matter is before us on remand from the Supreme Court. In Howards v. McLaughlin, 634 F.3d 1131 (10th Cir. 2011), we reversed the district court's denial of qualified immunity as to all Secret Service Agents on Mr. Howards' Fourth Amendment claims, id. at 1143. We also reversed the district court's denial of qualified immunity on Mr. Howards' First Amendment claim as to Agents Daniels and McLaughlin, but affirmed such denial as to Agents Reichle and Doyle. Id. at 1149-50.

The Supreme Court has now reversed our judgment, holding that Agents Reichle and Doyle also are entitled to qualified immunity on the First Amendment claim. Reichle v. Howards, 132 S. Ct. 2088, 2097 (2012). Accordingly, all these defendants are entitled to qualified immunity.

Therefore, we REVERSE the district court's denial of qualified immunity as to these defendants and REMAND for entry of judgment in favor of these defendants.

Entered for the Court,

Paul J. Kelly
Circuit Judge