

[NOT FOR PUBLICATION - NOT TO BE USED AS PRECEDENT]

**United States Court of Appeals
For the First Circuit**

No. 99-2269

WILLIAM MISSERT,
Plaintiff, Appellant,

v.

TRUSTEES OF BOSTON UNIVERSITY, ANTHONY GIANELLY, THOMAS
KILGORE, PAULA FRIEDMAN, FREDERICK BOUSTANY, REMO SINIBALDI,
DAN NATHANSON, AND THOMAS VAN DYKE,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Patti B. Saris, U.S. District Judge]

Before

Boudin, Circuit Judge,
Cyr, Senior Circuit Judge,
and Lipez, Circuit Judge.

Ross D. Ginsberg, with whom William F. York, and Gilman, McLaughlin & Hanrahan LLP were on brief, for appellant.

Lawrence S. Elswit, with whom Boston University, Office of the General Counsel, was on brief, for appellee.

October 27, 2000

Per Curiam. After hearing arguments and reviewing the record and briefs on appeal, we affirm the judgment of the district court for the reasons set forth in its thorough Memorandum and Order dated October 20, 1999. The court dismissed the civil rights claims of plaintiff alleging state action by Boston University in his termination from a dental school graduate program. Those claims of state action, which focused on the Institutional Review Board, the university body charged with ensuring protection of human research subjects, are entirely unpersuasive. Nevertheless, we do not deem the appeal frivolous, and we decline to impose the sanctions requested by the defendants.

Affirmed.