

UNITED STATES COURT OF APPEALS

APR 17 2003

TENTH CIRCUIT

PATRICK FISHER
Clerk

PEOPLE OF THE STATE OF
COLORADO, CITY OF COLORADO
SPRINGS,

Plaintiff - Appellee,

v.

GEORGE ALLEN WILLIAMS,

Defendant - Appellant.

No. 02-1402
(D.C. No. 02-CR-299-Z)
(D. Colorado)

ORDER AND JUDGMENT*

Before **SEYMOUR, MURPHY, and O'BRIEN**, Circuit Judges.

George Allen Williams moves *pro se* for leave to proceed *in forma pauperis* on his appeal of the district court's summary remand of his state criminal prosecution and its subsequent denial of his motion for reconsideration.

*After examining appellant's brief and the 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)(2) and 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, or collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

For the reasons set forth below, we deny his motion and dismiss the appeal.

To be granted *in forma pauperis* status, Mr. Williams must demonstrate the existence of a reasoned, nonfrivolous argument on the law and the facts in support of reversing the district court's dismissal of his action. *See DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). Mr. Williams cannot meet this burden.

Mr. Williams attempted to remove the Colorado state criminal prosecution against him to federal court under 28 U.S.C. § 1443(2). However, as the district court explained in both of its orders, that provision applies only to “federal officers or agents and those authorized to act with or for them in affirmatively executing duties under any federal law providing for equal civil rights.” *City of Greenwood, Miss. v. Peacock*, 384 U.S. 808, 824 (1966). Mr. Williams has presented no argument or evidence that he is a federal officer or assisted a federal officer in performing official duties providing for equal rights. Because his appeal is therefore frivolous, he fails to meet the standard for *in forma pauperis* status and his appeal must be dismissed under 28 U.S.C. § 1915(e)(2)(B)(I).

Accordingly, we **DENY** the motion to proceed *in forma pauperis* and **DISMISS** the appeal.

ENTERED FOR THE COURT

Stephanie K. Seymour
Circuit Judge