

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 7, 2005

PATRICK FISHER
Clerk

EDWARD RONWIN,

Plaintiff - Appellant,

v.

ALLSTATE INSURANCE
COMPANY, an Illinois corporation;
STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, an Illinois corporation;
DAVID LAWSER; TERRI RENE
SNYDER; CITY OF FORT COLLINS,
a municipality; HEIDI NASH,

Defendants - Appellees.

No. 04-1412
(D.C. No. 03-N-1528 (OES))
(D. Colo.)

ORDER AND JUDGMENT *

Before **BRISCOE** , **ANDERSON** , and **BRORBY** , Circuit Judges.

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

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

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.

Edward Ronwin, appearing pro se, appeals from the district court's order granting the appellees' motions to dismiss and denying his motion for sanctions. The district court determined that Allstate Insurance Company, State Farm Mutual Automobile Insurance Company, David Lawser and Terri Rene Snyder (collectively "Insurance Defendants") were entitled to immunity from Ronwin's state law claims under Colo. Rev. Stat. § 10-4-607 and that Ronwin had failed to state a claim on his Racketeer Influenced and Corrupt Organizations Act (RICO) claim against the Insurance Defendants and his 42 U.S.C. § 1983 claim against defendants Snyder, Heidi Nash and the City of Fort Collins.

We review de novo a district court's dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6). *Sutton v. Utah State Sch. for the Deaf & Blind* , 173 F.3d 1226, 1236 (10th Cir. 1999). We review for abuse of discretion the district court's denial of a motion for sanctions under Fed. R. Civ. P. 11. *Burkhart ex rel. Meeks v. Kinsley Bank* , 852 F.2d 512, 515 (10th Cir. 1988).

Having reviewed the briefs, the record, and the applicable law pursuant to these standards, we conclude that the district court correctly decided this case. We therefore AFFIRM the judgment for substantially the same reasons stated in the district court's order dated September 30, 2004 (adopting the magistrate

judge's recommendations dated September 29, 2004). Ronwin's Motion for Permission to Include Two Items in the Addendum of Appellant's Opening Brief is DENIED. Pursuant to our authority in Fed. R. App. P. 38, we ORDER Ronwin to SHOW CAUSE in writing within twenty days of the date of this order and judgment why he should not be sanctioned for filing a frivolous appeal.

Entered for the Court

Stephen H. Anderson
Circuit Judge