

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**August 23, 2007**

**Elisabeth A. Shumaker**  
**Clerk of Court**

ISSIAKA I. NAMOKO,

Plaintiff-Appellant,

v.

HONORABLE WALKER D.  
MILLER; HONORABLE MICHAEL  
E. HEGARTY,

Defendants-Appellees.

Nos. 07-1227, 07-1228

(D. Colorado)

(D.C. Nos. 07-CV-00928-ZLW  
07-CV-00927-ZLW)

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**ORDER AND JUDGMENT\***

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Before **HENRY, TYMKOVICH, and HOLMES**, Circuit Judges.

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After examining the briefs and 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); 10TH CIR. R. 34.1(G).

Issiaka Namoko, appearing pro se as he did in the district court, appeals from the district court's dismissal of his complaints against Judge Walker Miller

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\* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata and collateral estoppel.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

and Magistrate Judge Michael Hegarty for lack of subject matter jurisdiction. Mr. Namoko also seeks to proceed *in forma pauperis* (IFP).

Mr. Namoko's complaint arose from two prior employment discrimination cases he filed in the District of Colorado. *See Namoko v. Milgard Mfg., Inc.*, No. 06-cv-02031-WDM-MEH (D. Colo. Apr. 6, 2007); *Namoko v. Cognisa Sec., Inc.*, No. 05-cv-00763-WDM-MEH (D. Colo. filed Apr. 26, 2005). In *Milgard Manufacturing*, Judge Miller adopted Magistrate Judge Hegarty's recommendation that Mr. Namoko's complaint be dismissed as time-barred and dismissed the complaint with prejudice. That case is currently on appeal before this court, No. 07-1171. In *Cognisa Security*, Judge Miller again adopted Magistrate Judge Hegarty's recommendation, this time to enforce the settlement agreement entered into by the parties. Mr. Namoko's appeal in that case has been terminated, apparently for procedural defects. *See Nos. 07-1101, -1296.*

In this action, Mr. Namoko filed two Title VII complaints alleging bias, discrimination, and retaliation under 42 U.S.C. § 2000a on the part of Judge Miller and Magistrate Judge Hegarty in the handling of the above employment actions. Although Mr. Namoko seeks relief under Title VII, he has failed to claim that he was the victim of an adverse employment action taken by either Judge Miller or Magistrate Judge Hegarty. As the district court observed, it is not empowered to review the orders filed in Mr. Namoko's employment discrimination cases because Mr. Namoko's remedy for his dissatisfaction with

the previous Title VII rulings is an appeal to this court, which Mr. Namoko has filed. Thus, the district court's sua sponte determination that it lacked subject matter jurisdiction over Mr. Namoko's Title VII suits under Fed. R. Civ. P. 12(h)(3) was correct.

Accordingly, we AFFIRM the district court's dismissal of Mr. Namoko's complaints and DENY his motion to proceed IFP.

Entered for the Court,

Robert H. Henry  
Circuit Judge