

UNITED STATES COURT OF APPEALS

Filed 6/3/96

TENTH CIRCUIT

ANTHONY RAY JENKINS,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 DONNA WHITEMAN, Secretary of Kansas)
 Social and Rehabilitation Services; T. KETH)
 WILSON; DONNA C. STUART, SRS;)
 JILL BURTZLOFF, SRS,)
)
 Defendants-Appellees.)

No. 95-3011
 (D.C. No. 94-3502-DES)
 (D. Kansas)

ORDER AND JUDGMENT*

Before **ANDERSON, BARRETT** and **LOGAN**, Circuit Judges.

This matter is before the court on plaintiff Anthony Ray Jenkins’ motion for leave to proceed in forma pauperis on appeal without payment of costs or fees.

To succeed on his motion plaintiff must show both the financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

facts in support of the issues raised on appeal. See 28 U.S.C. § 1915(d); Coppedge v. United States, 369 U.S. 438 (1962); Ragan v. Cox, 305 F.2d 58 (10th Cir. 1962).

Plaintiff seeks to appeal the dismissal of his 42 U.S.C. § 1983 complaint against the Secretary of the Kansas Department of Social and Rehabilitation Services, two SRS employees and the Seward County (Kansas) judge. He contends they should be arrested for extortion. He also seeks relief from a journal entry against his wife that supports a wage garnishment proceeding. He asserts general allegations of denial of due process and Fourth Amendment guarantees, and failure to grant him a speedy trial. The requested remedies are not available under § 1983.

We conclude that plaintiff can make no rational argument on the law or facts in support of the issues raised on appeal. Therefore, the motion for leave to proceed on appeal without prepayment of costs or fees is denied. The appeal is DISMISSED.

The mandate shall issue forthwith.

Entered for the Court

James K. Logan
Circuit Judge