

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUL 24 1998

PATRICK FISHER
Clerk

G. SAM HOUSTON,

Plaintiff-Appellant,

v.

GALE A. NORTON, individually and in her official capacity as Attorney General, State of Colorado; JAMES CARR, individually and in his official capacity as the Assistant Attorney General, State of Colorado; AMOS MARTINEZ, individually and in his official capacity as the Administrator of the State of Colorado Grievance Board; CLAIR VILLANO, individually and in her official capacity as the Chairperson of the State of Colorado Grievance Board; JIM STANLEY, individually and in his official capacity as the Deputy District Attorney for the First Judicial District, State of Colorado; KEVIN ARMSTRONG, individually and in his official capacity as Detective, City of Lakewood, Colorado Police Department; DAN MONTGOMERY, individually and in his official capacity as the Chief of Police, City of Westminster, Colorado, and unknown John or Jane Does, individually and in their official capacities as police officers, investigators for the cities of Westminster and Lakewood Police Departments; RON BECKHAM,

No. 97-1389
(D.C. No. 93-WM-2657)
(D. Colo.)

individually and in his official capacity as the Sheriff of the County of Jefferson and the Jefferson County Jail Facility; LINDA ORSELLO; HILLARY WATTERS; ANN SHORT; WHEAT RIDGE POLICE DEPARTMENT, City of Wheat Ridge Chief of Police or Police John Doe; JOHN PICKETT; JEFFERSON COUNTY, BOARD OF COUNTY COMMISSIONERS; WHEAT RIDGE, COLORADO, CITY OF; JAY AMBROSE, Rocky Mountain News Editor; CHARLIE ABLE; ANN CARNAHAN; ROCKY MOUNTAIN NEWS; JACK HURST,

Defendants-Appellees.

ORDER AND JUDGMENT*

Before **KELLY, BARRETT, and HENRY**, 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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Plaintiff, a prisoner appearing pro se, appeals from the district court's grant of defendants' motions to dismiss or for summary judgment in this suit filed under 42 U.S.C. § 1983. He argues on appeal that the district court abused its discretion by issuing a final decision.

Because his appellate pleadings offer no coherent explanation of his issue on appeal, we conclude the appeal is legally frivolous or fails to state a claim under 28 U.S.C. § 1915(e)(2)(B)(i) or (ii) for purposes of counting "prior occasions" under 28 U.S.C. § 1915(g). Accordingly, this appeal will be dismissed.

The district court granted plaintiff leave to proceed in forma pauperis on April 1, 1998. Plaintiff's motion for leave to proceed in forma pauperis filed in this court and referred to this panel is therefore moot. Plaintiff is reminded that he remains obligated to pay the full amount of the filing fee. See 28 U.S.C. § 1915(b)(1).

DISMISSED.

Entered for the Court

James E. Barrett
Senior Circuit Judge