

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JUL 19 1999

PATRICK FISHER
Clerk

WILLIE RAY LAMPLEY,

Plaintiff - Appellant,

vs.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 98-7186

(D.C. No. 98-CV-554-S)

(E.D. Okla.)

ORDER AND JUDGMENT*

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

Mr. Lampley, an inmate appearing pro se and in forma pauperis, appeals the district court's dismissal of his federal civil rights lawsuit. The district court dismissed the lawsuit by minute order, finding that Mr. Lampley failed to comply with Fed. R. Civ. P. 8(a) and (e) and determining that Mr. Lampley's lawsuit was frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i); I R., tab 6. We review the district

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1 (G). The cause is therefore ordered submitted without oral argument.

court's dismissal of a complaint as frivolous for abuse of discretion, see McWilliams v. Colorado, 121 F.3d 573, 574-75 (10th Cir. 1997), and liberally construe the pro se complaint, see Haines v. Kerner, 404 U.S. 519, 520-21 (1972). Mr. Lampley's arguments are neither comprehensible nor rational. After carefully reviewing the record, we find that no abuse of discretion has occurred and dismiss Mr. Lampley's appeal.

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge