

UNITED STATES COURT OF APPEALS

June 18, 2012

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MARJORIE A. CREAMER,

Plaintiff-Appellant,

v.

SMITH COUNTY SHERIFF'S
DEPARTMENT,

Defendant-Appellee.

Nos. 11-3362 & 11-3372
(D.C. No. 5:11-CV-04066-WEB-KMH)
(D. Kan.)

ORDER AND JUDGMENT*

Before **TYMKOVICH, HOLLOWAY**, and **MATHESON**, Circuit Judges.

Plaintiff-Appellant Marjorie A. Creamer, proceeding pro se, appeals the dismissal of her complaint. The district court held that the statute of limitations bars all but one of her claims and, as for the latter, that she failed to allege sufficient facts to state a claim. The court further determined that her pleadings were frivolous and that allowing leave to amend would be futile. Her appellate briefs do not demonstrate any district court error.

* 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). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

We dismiss her appeals as frivolous and deny her motion for leave to proceed on appeal without prepayment of costs or fees.

The district court noted that Ms. Creamer had filed other cases based on the same subject matter and that three other courts had determined that her claims should be dismissed. R. at 40-41. The court imposed filing restrictions against her because she continued to file pro se motions raising frivolous arguments after this case was closed and her motions had all been denied. *Id.* at 61-62, 68-69. We warn Ms. Creamer that she could also be subject to filing restrictions in this court if she repeatedly files materials on matters already adjudicated. *See Ford v. Pryor*, 552 F.3d 1174, 1181 (10th Cir. 2008); *Andrews v. Heaton*, 483 F.3d 1070, 1078 (10th Cir. 2007).

Dismissed.

ENTERED FOR THE COURT

Scott M. Matheson, Jr.
Circuit Judge