

August 6, 2013

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT
Elisabeth A. Shumaker
Clerk of Court

CHRIS WALTERS,

Plaintiff - Appellant,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant - Appellee.

No. 13-2087

(D. New Mexico)

(D.C. No. 1:13-CV-00247-JAP-GBW)

ORDER AND JUDGMENT***

Before **TYMKOVICH, ANDERSON**, and **BACHARACH**, Circuit Judges.

Mr. Chris Walters alleges that the Social Security Administration violated his due process and equal protection rights by changing his benefits without a fair hearing. R. at 5-6. The district court denied Mr. Walters's motion to proceed in forma pauperis, dismissed the complaint as frivolous, restricted future filings by Mr. Walters, and denied a motion to file the complaint electronically.

* 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This order and judgment is unpublished; therefore, it does not constitute precedent. See 10th Cir. R. 32.1(A).

With the appeal, Mr. Walters has again moved for leave to proceed in forma pauperis. This motion is denied.

To qualify for pauper status, Mr. Walters must present “a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991).

In applying this standard, we conclude that Mr. Walters’s appellate arguments are frivolous. The district court denied pauper status because it viewed the appeal as groundless, and we reach the same conclusion based on the district court’s persuasive rationale. As a result, we too deny Mr. Walters’s motion for pauper status.

The resulting issue is what to do with the remainder of the appeal. We believe the appeal must be dismissed because federal law requires us to dismiss “the case” whenever we determine that the appeal is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i) (2006). As noted above, we regard the appeal as frivolous based on the district court’s persuasive reasoning.

Because we are dismissing the appeal, we deny Mr. Walters’s motion to transfer on grounds of mootness.

Entered for the Court

Robert E. Bacharach
Circuit Judge