

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

January 15, 2019

Elisabeth A. Shumaker
Clerk of Court

CEDRIC GREENE,
Plaintiff - Appellant,

v.

INGLEWOOD HOUSING AUTHORITY;
CINDER ELLER-KIM BELL,
Defendants - Appellees.

No. 18-1258
(D.C. No. 1:18-CV-01042-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **BACHARACH, PHILLIPS, and EID**, Circuit Judges.

Cedric Greene filed a pro se complaint in the District of Colorado alleging discrimination and defamation relating to his Section 8 housing in California. The district court dismissed the complaint and the action without prejudice for lack of subject matter jurisdiction and improper venue. Mr. Greene filed a motion under Fed. R. Civ. P. 59(e) to alter or amend the district court's order, which the district court denied. He appealed.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 review the district court’s denial of the Rule 59(e) motion for an abuse of discretion. *See Alpenglow Botanicals, LLC v. United States*, 894 F.3d 1187, 1203 (10th Cir. 2018). The district court did not abuse its discretion in denying the motion. Mr. Greene failed to establish a basis for filing this action in the District of Colorado.

We therefore affirm the district court’s denial of the Rule 59(e) motion for substantially the reasons stated in its order of June 4, 2018. Because Mr. Greene failed to demonstrate the existence of a reasoned, nonfrivolous argument on appeal, we deny his request to proceed *in forma pauperis*. *See DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (“In order to succeed on his motion [to proceed *in forma pauperis*], an appellant must show a financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.”). He is directed to immediately pay the entire \$505 appellate filing and docketing fee.

Entered for the Court

Allison H. Eid
Circuit Judge