

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 23, 2019

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

ALBERTA ROSE JOSEPHINE JONES,

Plaintiff - Appellant,

v.

JOE HEATON; GREGORY L. PHILLIPS;
DOUGLAS COMBS; GEORGE
BUTNER; SHEILA KIRK; CINDY
KIRBY; FRANK CHAPMAN; ALLEN
BROWN; TIM DONALDSON,

Defendants - Appellees.

No. 19-6033
(D.C. No. 5:18-CV-01220-R)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **McHUGH, KELLY**, and **MORITZ**, Circuit Judges.**

Plaintiff-Appellant Alberta Rose Josephine Jones appeals from the district court’s sua sponte dismissal of her complaint naming two federal judges, three state-court judges, a court employee, and various law enforcement officials. The district court dismissed the action with prejudice on initial screening and prior to service on

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** 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.

defendants. After reviewing the complaint, the district court concluded it was frivolous and amendment would be futile. Jones v. Heaton, No. 5:18-cv-01220-R, 2019 WL 386207, at *4 (W.D. Okla. Jan. 30, 2019). Ms. Jones is a frequent litigant; in this case her complaint is that defendants violated her right to due process, particularly in connection with her state-court divorce proceedings which she characterizes as fraudulent and inequitable.

We review a district court's determination that a complaint fails to state a claim de novo. Alvarado v. KOB-TV, L.L.C., 493 F.3d 1210, 1215 (10th Cir. 2007). Rule 12(b)(6) is an "important mechanism for weeding out meritless claims." Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014). For the reasons stated by the district court, Ms. Jones's complaint lacks facial plausibility that would create a reasonable inference that any defendant is liable for the misconduct alleged, let alone that a federal court could order the relief requested. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). The district properly dismissed the complaint after giving it its mandated liberal construction.

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge