

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

September 13, 2019

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

CEDRIC GREENE,

Plaintiff - Appellant,

v.

OFFICE OF THE COMPTROLLER OF
THE CURRENCY; BANK OF
AMERICA, NATIONAL ASSOCIATION,

Defendants - Appellees.

No. 19-1231
(D.C. No. 1:19-CV-00821-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

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

Plaintiff-Appellant Cedric Greene appeals from the district court’s order and judgment dismissing his action without prejudice for improper venue and imposing filing restrictions in Colorado federal district court. Greene v. Office of the Comptroller of the Currency, No. 1:19-cv-00821-LTB, Order Dismissing Action and Imposing Filing Restrictions (ECF No. 10), Judgment (ECF No. 11) (D. Colo. June

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

13, 2019). The district court also denied Mr. Greene in forma pauperis (IFP) status and Mr. Greene renews his request in this court.

Mr. Greene, who resides in California, brought this action against defendants located in Texas and North Carolina, alleging negligence and misconduct regarding a banking dispute. 1 R. 4. Both this court and the district court have recounted their frustration with Mr. Greene's defective filings. See Greene v. Sprint Nextel Corp., 750 F. App'x 661, 666–667 (10th Cir. 2018) (imposing filing restrictions); Greene v. Direct TV, Inc., 708 F. App'x 528, 529 (10th Cir. 2018) (cautioning Mr. Greene to reflect on the legitimacy of his filings); Greene, No. 1:19-cv-00821-LTB, Order Dismissing Action and Imposing Filing Restrictions (ECF No. 10 at 5; R. 53 at 5) (illustrating Mr. Greene's steadfast refusal to recognize jurisdictional and venue principles and imposing filing restrictions).

Although Mr. Greene mentions the filing restrictions imposed by the district court in his opening brief, he insists that he can meet them and does not appear to challenge them. We are satisfied that the district court complied with the procedural requirements of imposing filing restrictions. See Tripathi v. Beaman, 878 F.2d 351, 353–354 (10th Cir. 1989). Further, the district court was undoubtedly correct that venue did not lie in Colorado given the venue requirements of 28 U.S.C. § 1391(b), and did not abuse its discretion in declining to transfer the case, 28 U.S.C. § 1406(a). See Ballesteros v. Ashcroft, 452 F.3d 1153, 1160 (10th Cir. 2006) (standards of review for civil venue).

Mr. Greene has not shown the existence of a reasoned, nonfrivolous argument on appeal, therefore, we deny his request to proceed IFP. See DeBardeleben v. Quinlan, 937 F.2d 502, 505 (10th Cir. 1991). He is directed to immediately pay the entire \$505 appellate filing and docketing fee.

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge