

November 12, 2019

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

C.N. by her next friends ANASTASIA
NEDD,

Plaintiff - Appellant,

and

JOSEPH NORTEY,

Plaintiff,

v.

HON. ANN GAIL MEINSTER; KURT
A. METSGER; JEFFERSON COUNTY;
GRAHAM B. PEPPER; AMBER
FARNSWORTH; STEPHEN
FARNSWORTH, and JOHN DOES 1-5,

Defendants - Appellees.

No. 19-1060
(D.C. No. 1:18-CV-00620-MSK-MEH)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HOLMES**, **MURPHY**, and **CARSON**, Circuit Judges.

*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Anastasia Nedd filed a complaint raising federal and state-law claims against multiple individuals, both Colorado state officials and private individuals, arising out of the termination of the parental rights of the parents of her grandson and the subsequent adoption of her grandson by Amber and Stephen Farnsworth. In a thorough and cogent order, the district court dismissed all of the claims set out in Nedd's complaint, some with prejudice and some without. Nedd appeals and requests permission to proceed in forma pauperis.

This court exercises its discretion to overlook the inadequacy of Nedd's pro se opening brief. *See* Fed. R. App. P 28(a)(9)(A) (requiring, among other things, that an opening brief contain an argument, with the reasons for the argument, and citations to authorities and the record). Nevertheless, even given Nedd's pro se status, this court will not act as her attorney in constructing arguments and searching the record. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). With those precepts in mind, this court has conducted a de novo review of the district court's order of dismissal dated January 15, 2019. Having found no remotely meaningful error, this court affirms for substantially those reasons set out in that order. Furthermore, Nedd has failed to show the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on

appeal. *See* 28 U.S.C. § 1915(a)(3), (e)(2). Thus, her motion to proceed on appeal in forma pauperis is denied and she is ordered to immediately remit the entire appellate filing fee.

The district court's order of dismissal is **AFFIRMED**. Nedd's motion to proceed on appeal in forma pauperis is **DENIED**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge