

**UNITED STATES COURT OF APPEALS** April 30, 2020  
**TENTH CIRCUIT** Christopher M. Wolpert  
Clerk of Court

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ERIC ADAMS,

Petitioner - Appellant,

v.

MATEVOUSIAN, Warden,

Respondent - Appellee.

No. 20-1024  
(D.C. No. 1:19-CV-01226-LTB-GPG)  
(D. Colo.)

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**ORDER AND JUDGMENT\***

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Before **PHILLIPS, MURPHY, and McHUGH**, Circuit Judges.

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After examining the appellant’s brief 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.

Eric Adams appeals the district court’s denial of his Federal Rule of Civil Procedure 60(b)(1) motion for relief from judgment. In his Rule 60(b)(1) motion,

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\*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Adams asserts the district court mistakenly denied his 28 U.S.C. § 2241 petition. Both Adams’s Rule 60(b)(1) motion and this appeal from the denial thereof are patently frivolous. As this court made clear in affirming the district court’s denial of Adams’s § 2241 petition, Adams cannot challenge the location of his confinement in a § 2241 petition. *Adams v. Matevousian*, 787 F. App’x 541, 541 (10th Cir. 2019); *see also Palma-Salazar v. Davis*, 677 F.3d 1031, 1034-37 (10th Cir. 2012) (holding, as a matter of binding Tenth Circuit precedent, that claims challenging the location of confinement cannot be brought in a § 2241 petition). As these authorities make clear, the district court did not make a mistake of law when it dismissed Adams’s original § 2241 petition and, therefore, the district court did not abuse its discretion in denying Adams’s Rule 60(b)(1) motion. *See The Tool Box, Inc. v. Ogden City Corp.*, 419 F.3d 1084, 1087 (10th Cir. 2005) (holding that a district court’s denial of a Rule 60(b)(1) motion is reviewed for abuse of discretion).

This court exercises jurisdiction pursuant to 28 U.S.C. § 1291 and **AFFIRMS** the order of the district court denying Adams’s Rule 60(b)(1) motion. Given this court’s affirmance of the district court’s order, Adams’s “Motion that the Appeals Court determine Appellants [sic] Appeal on its Merits” is **DENIED** as moot. Finally, because Adams has not shown “the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issue[] raised on

appeal,” his request to proceed on appeal in form pauperis is **DENIED**. *See DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). Accordingly, Adams is ordered to immediately remit the full amount of the appellate filing fee.

ENTERED FOR THE COURT

Michael R. Murphy  
Circuit Judge