

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 17, 2026

Christopher M. Wolpert
Clerk of Court

MARQUISE MILLER,

Plaintiff - Appellant,

v.

SUZANNE MITCHELL, Magistrate
Judge, in her individual capacity,

Defendant - Appellee.

No. 26-6038
(D.C. No. 5:25-CV-00535-SWS)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **TYMKOVICH**, **PHILLIPS**, and **FEDERICO**, Circuit Judges.

Marquise Miller appeals pro se from the district court's dismissal of his complaint with prejudice under Federal Rule of Civil Procedure 12(b)(6)

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 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.

for failure to state a claim. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.¹

Miller initiated this case by filing a pro se complaint against United States Magistrate Judge Suzanne Mitchell after she ordered him to attend a discovery conference in her court and under her supervision in a separate lawsuit. Judge Mitchell issued this order pursuant to Chief Judge Timothy DeGiusti's² order directing the parties to meet and confer at William J. Holloway United States Courthouse "under the supervision of United States Magistrate Judge Suzanne Mitchell." *Miller v. Legacy Bank*, Doc. 226 at 7, No. 20-cv-946 (W.D. Okla. Aug. 04, 2023). Miller's complaint listed several claims, the gist of which was his assertion that Judge Mitchell lacked legal authority to order him to attend the discovery conference.

¹ Judge Mitchell argues that we should dismiss the appeal for failure to comply with Federal Rule of Appellate Procedure 3(c)(1)(B) and a resultant lack of jurisdiction. Having reviewed Miller's timely filed Notice of Appeal, we are satisfied that it "provides sufficient notice" to Magistrate Judge Mitchell and this court and thus encompasses "the functional equivalent of what" Rule 3(c) requires. *Smith v. Barry*, 502 U.S. 244, 248 (1992); see also Fed. R. App. P. 3(c)(7). Miller's NOA attached the district court's final order denying his motion to alter or amend the judgment and motion for relief from judgment, providing notice that his appeal concerned the judgment of dismissal with prejudice of his case on grounds of absolute judicial immunity encompassed in the attached order and in the district court's dismissal order under Rule 12(b)(6). Thus, jurisdiction is proper.

² Chief Judge DiGiusti was the district judge presiding over the separate lawsuit.

The district court granted Judge Mitchell’s motion to dismiss, holding that Judge Mitchell’s absolute judicial immunity from liability regarding her judicial acts barred Miller’s claims. The district court reasoned that Judge Mitchell had jurisdiction over the parties in the separate lawsuit under 28 U.S.C. § 636(b)(1) because Chief Judge DeGiusti designated her to “hear and determine” discovery disputes “pending before [his] court,” and that Judge Mitchell’s order directing the parties to attend the discovery conference was a judicial act. The district court then dismissed Miller’s complaint with prejudice, finding that amendment would be futile given Judge Mitchell’s absolute judicial immunity. The district court entered judgment against Miller on November 24, 2025.

Miller then filed a combined motion to alter or amend judgment and for relief from judgment under Federal Rules of Civil Procedure 59(e) and 60(b), which the district court denied. The district court reasoned that Miller’s motion did not discuss any “matters properly raised or supported under either Rules 59(e) or 60(b).” R. I at 285. This timely appeal followed.

We review “a district court’s Rule 12(b)(6) dismissal of a complaint for failure to state a claim” de novo. *Brokers’ Choice of America, Inc. v. NBC Universal, Inc.*, 861 F.3d 1081, 1104 (10th Cir. 2017). We review a district court’s ruling on Rule 59(e) and Rule 60(b) motions for abuse of discretion. *See Hayes Family Trust v. State Farm Fire & Casualty Co.*, 845 F.3d 997,

1004 (10th Cir. 2017); *Waetzig v. Halliburton Energy Services, Inc.*, 145 F.4th 1279, 1282 (10th Cir. 2025).

On appeal, Miller again challenges Judge Mitchell’s legal authority to compel him to attend the discovery conference and asserts the district court erred by finding that she is entitled to absolute judicial immunity. Having reviewed the record, including the district court’s orders, and the parties’ contentions on appeal, we affirm the dismissal of Miller’s complaint for substantially the same reasons given by the district court.³

AFFIRMED.

Entered for the Court

Richard E.N. Federico
Circuit Judge

³ Miller provides no argument as to how the district court erred in disposing of his motion to alter and amend the judgment and motion for relief from judgment, so he has waived any argument for reversal as to that decision. *See Nixon v. City & Cnty. of Denver*, 784 F.3d 1364, 1366 (10th Cir. 2015) (An appellant must “explain what was wrong with the reasoning that the district court relied on in reaching its decision.”).