FILED
United States Court of Appeals
Tenth Circuit

November 4, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

SABRINA ZUNKER,

Plaintiff - Appellant,

v.

GILBERT M. ROMAN, in his official capacity as Judge of the Colorado Court of Appeals,

Defendant - Appellee.

No. 26-1245
(D.C. No. 1:26-CV-02135-LTB-RTG)
(D. Colo.)

ORDER AND JUDGMENT*

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

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* 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.

This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Sabrina Zunker appeals pro se[1] from the district court's dismissal of her complaint against the former Chief Judge of the Colorado Court of Appeals, in his official capacity. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

In this suit, Zunker brings claims under 42 U.S.C. § 1983 alleging that when the Colorado Court of Appeals affirmed the state trial court's imposition of filing restrictions, the court infringed upon her right to access the courts. A magistrate judge recommended her suit be dismissed because the state court judge was entitled to sovereign immunity. The district court adopted the recommendation and dismissed the action without prejudice for lack of subject matter jurisdiction and also found that Zunker's alternative request to amend her complaint was denied as futile.

Zunker's opening brief raises no challenge to the district court's immunity finding. Indeed, she concedes that she also failed to object to the magistrate judge's report and recommendation on sovereign immunity grounds and thus only asks for this court to review the district court's decision to deny her leave to amend. But apart from vaguely asserting that she may be able to identify and substitute a speculative defendant, Zunker

[1] Because Zunker proceeds pro se, we liberally construe her filings, but we do not serve as her advocate. *Davis v. Clifford*, 825 F.3d 1131, 1134 n.1 (10th Cir. 2016).

fails to explain why the district court's decision to deny leave to amend as futile is erroneous. "The first task of the appellant is to explain to us why the district court's decision was wrong." *Nixon v. City and County of Denver*, 784 F.3d 1364, 1366 (10th Cir. 2015). Because Zunker fails to do so, we will not disturb the district court's decision.

AFFIRMED.

Entered for the Court

Richard E.N. Federico
Circuit Judge