

December 16, 2008

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

JOHN D. KELSO,

Plaintiff-Appellant,

v.

DAVID C. MILLER, JAMES
SAFFLE, LARRY R. MEACHUM,
JACK LOWLEY, GARY HAHN,
CARLOS LUNA and ABCACHIE,

Defendants-Appellees.

No. 08-6174

Western District of Oklahoma
(D.C. No. 5:08-CV-00366-F)

ORDER AND JUDGMENT*

Before **TACHA, KELLY** and **McCONNELL**, Circuit Judges.

Plaintiff-Appellant John Kelso alleges horrific treatment of himself and others at Patton State Hospital in Patton, California, where he is confined pursuant to involuntary civil commitment on the basis of mental illness. We offer no comment on the merits of his complaint, because the district court was clearly

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

correct in dismissing his complaint under 28 U.S.C. § 1915(e). Simply put, Mr. Kelso has sued the wrong defendants in the wrong place, and the district court was correct that it had no jurisdiction to address his complaints. There is no allegation that the Oklahoma defendants have anything to do with Mr. Kelso's treatment in California, and the United States District Court for the Western District of Oklahoma has no personal jurisdiction over the California defendants.

We **AFFIRM** the judgment of the district court for essentially the reasons stated by the magistrate judge. We **GRANT** Mr. Kelso's motion for leave to proceed without prepayment of costs and fees. Mr. Kelso is relieved of any fee obligation for this appeal.

Entered for the Court,

Michael W. McConnell
Circuit Judge