

April 14, 2010

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

STEWART A. WEBB,

Plaintiff-Appellant,

v.

KATHRYN H. VRATIL, in her
official capacity of Chief Judge for the
United States District Court for the
District of Kansas; and UNITED
STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS,

Defendants-Appellees.

No. 09-3371
(D.C. No. 2:09-CV-2603-FJG)
(D. Kan.)

ORDER AND JUDGMENT*

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

Stewart A. Webb filed suit against the United States District Court for the District of Kansas, and against Kathryn Vratil, in her official capacity as the Chief Judge of that court. In a thorough six-page order, the district court denied

*After examining appellant’s brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2) and 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 This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata* and collateral estoppel.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.

Mr. Webb's request to proceed *in forma pauperis*, concluding that the lawsuit was legally frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i). Accordingly, the district court dismissed the case without prejudice to the filing of a pre-paid complaint.

Mr. Webb appeals this decision and seeks permission to proceed on appeal *in forma pauperis*. For substantially the same reasons set out by the district court in its order, this court concludes that this appeal is frivolous or malicious. See also *Price v. Vratil*, No. 09-3172, 2010 WL 558555, at *1 (10th Cir. Feb. 18, 2010) (unpublished) (reaching same result in similar appeal with similar complaint). Accordingly, we hereby dismiss this appeal and deny the request to proceed *in forma pauperis* on appeal. See 28 U.S.C. § 1915(e)(2)(B)(i) (“[T]he court shall dismiss the case at any time if the court determines . . . the . . . appeal is frivolous or malicious.”).

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge