

February 14, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

FOR THE TENTH CIRCUIT

ANTONE L. KNOX,

Plaintiff-Appellant,

v.

DEBRA ALDRIDGE, D & E Unit  
Manager, OSP; AMY THOMAS,  
D Unit Case Manager, OSP; BRIAN  
HOLDEN, D Unit Mental Health  
Officer, OSP; BRUCE H. WHITE,  
D & H Unit Health Officer, OSP;  
TROY MONKS, D Unit Mental Health  
Officer, OSP; DONNA BOND, Private  
Re-entry Coordinator, OSP; CRYSTA  
PINK-ROBERTS, Credit Units  
Manager, OSP; CHRIS ETCHISON,  
D Unit Security Manager, OSP;  
TRACY DAVIS, H Unit Manager,  
OSP; WILLIAM TAYLOR, A Unit  
Manager, OSP; DARRELL WILSON,  
F Cellhouse Unit Manager, OSP;  
ARTHUR F. WOODMORE, E Unit  
Case Manager, Mental Health  
Department, OSP; ROBERT B.  
WATKINS, Law Library Officer,  
OSP; JACK POGUE, D & E Unit Shift  
Lieutenant, OSP; PATTI SANTINE,  
D & E Mental Health Nurse, OSP;  
MEREDITH HARRIS, A Unit Case  
Manager, OSP; JESSICA SMITH,  
Unit Case Manager; CONNIE  
TAYLOR, Private R.N., OSP;  
CRISTA KAMPAS, Medical Service  
Nurse Manager, OSP; SHONDA  
KELLEY-CARNEY, D Unit Mental

No. 10-7035

(D.C. No. 6:10-CV-00044-JHP-SPS)

(E.D. Okla.)

Health C.O. Sergeant; DALE CANTRELL, Disciplinary Officer, OSP; RANDALL G. WORKMAN, Warden, OSP; JUSTIN JONES, Director, ODOC; SANDRA ESTES, Administrative Assistant, OSP; DEBBIE MORTON, Director Designee, ODOC; TERRY CRENSHAW, Warden Assistant, OSP; LINDA MORGAN, Deputy Warden, OSP; BOBBY BOONE, Eastern Region Deputy Director, ODOC; AMANDA WORKMAN, Dental Assistant, OSP; WAYNE SOCKEY, Dentist, OSP; K. MORDECAI, D Unit Mental Health C.O. Corporal; P. NICKELS, Medical Services, OSP; EDWARD WORKMAN, D Unit Mental Health; N. HELDERMON, D Unit Mental Health Cadet, OSP; J. MOORE HELDERMON, D Unit Mental Health Cadet, OSP; DAVID ORMAN, Post Office Supervisor, OSP; DEDMON, Security Manager, OSP; CARRIE HANSLEY, D, E, & H Unit Shift Lieutenant, OSP; EMMA WATTS, Warden, JBCC; MIKE OAKLEY, Deputy Director of Legal Service, ODOC; JOHNNY BLEVINS, Administrator, ODOC; LISA E. ENDRES, Assistant Attorney General, Oklahoma; JILL TSIAKILOS, Assistant Attorney General, Oklahoma; KIM RUTTER, Assistant Attorney General, Oklahoma; KINDANNE C. JONES, Assistant Attorney General, Oklahoma; DREW EDMONDSON, Attorney General, Oklahoma; MELISSA BRIGGS, U.S. Department of Justice; RICHARD FARBER, U.S. Department

of Justice; ERIC HOLDER, Attorney General; SHELDON SPERLING, U.S. Attorney, Eastern District of Oklahoma; BARACK OBAMA, U.S. President; HILLARY CLINTON, U.S. Secretary of State; MARY FALLIN, U.S. Representative, Oklahoma; OPRAH WINFREY; MARTHA STEWART; BRAD HENRY, Governor, Oklahoma; ROBERT MUELLER, Director, FBI; JAMES FINCH, Special Agent, FBI; STEVEN P. SHREDER, U.S. Magistrate Judge, Eastern District of Oklahoma; RONALD A. WHITE, District Director, District Judge, Eastern District of Oklahoma; JAMES D. BLAND, Pittsburg County; D.C. CIRCUIT JUDGES, Nine Unknown DC Circuit Judges; TENTH CIRCUIT COURT JUDGES; JOHN WILLIAM LOYD, U.S. Marshal; NANCY PELOSI, Speaker of the House of Representatives; JOSEPH BIDEN, U.S. Vice President,

Defendants-Appellees.

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**ORDER AND JUDGMENT\***

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\* After examining the briefs and 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); 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.

Before **O'BRIEN, ANDERSON, and TACHA**, Circuit Judges.

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Antone L. Knox, a pro se inmate from Oklahoma, appeals the dismissal of his civil rights action as frivolous and malicious under 28 U.S.C. § 1915A(b)(1). In a 371-page complaint, Mr. Knox named numerous defendants, including President Obama, Vice-President Biden, Martha Stewart, Oprah Winfrey, and scores of other individuals, alleging they conspired to interfere with his civil rights and retaliate for initiating other litigation. He also claimed they obstructed his access to the courts by way of force, threats, intimidation, and attempted murder, while judges, attorneys, FBI agents, and the President ignored his plight.

The district court dismissed the matter under § 1915A(b)(1), which authorizes dismissal of frivolous or malicious actions. In screening the complaint, the court observed that Mr. Knox requested, among other things:

Due process be render [sic] & the submission of the physical evidence of the Holiday card (not copies) be provided & the stamp [sic] envelope that the card was in or dismiss/expunged misconduct report & etc. for the destruction of this evidence & urgently request a [sic] evidentiary hearing on these grounds etc. & injunction & T.R.O. hearings urgently.

R. Vol. 1 at 112. Affording Mr. Knox's pro se materials a liberal construction, *see Van Deelen v. Johnson*, 497 F.3d 1151, 1153 n.1 (10th Cir. 2007), the court ruled that his claims against judges, elected officials, and celebrities, who could not be connected to the alleged civil rights violations, were frivolous and malicious.

On appeal, Mr. Knox advances no reasoned argument why the district court erred in dismissing the complaint. Instead, he offers an array of nearly incomprehensible statements, which appear to repeat the complaint's allegations, and summarily concludes that dismissal was improper. To the extent Mr. Knox challenges the dismissal of his action under § 1915A(b)(1), we affirm the district court's judgment. The court recognized that Mr. Knox's prolix complaint failed to properly connect high-ranking officials and celebrities to the alleged violations, and that Mr. Knox's claims were frivolous and malicious. As for this appeal, Mr. Knox's failure to proffer any coherent, reasoned argument renders this matter frivolous. *See Ford v. Pryor*, 552 F.3d 1174, 1180 (10th Cir. 2008) ("An appeal is frivolous when the result is obvious or the appellant's arguments of error are wholly without merit." (quotation omitted)). Accordingly, we dismiss this appeal and deny Mr. Knox's application to proceed in forma pauperis. *See* 28 U.S.C. § 1915(e)(2)(B)(i) ("the court shall dismiss the case at any time if the court determines that . . . the action or appeal is frivolous or malicious"). Mr. Knox and/or his custodian are directed to immediately remit the entire outstanding balance of his appellate filing fee to the clerk of the district court. *See Kinnel v. Graves*, 265 F.3d 1125, 1129 (10th Cir. 2001) (dismissal of appeal does not relieve a party from the responsibility to pay the appellate filing fee). If payment cannot be made in full, partial payments shall continue until the entire appellate fee is paid.

Finally, pursuant to 28 U.S.C. § 1915(g), one strike shall be assessed against Mr. Knox for the district court's dismissal under § 1915A. *See Hafed v. Fed. Bureau of Prisons*, \_\_\_ F.3d \_\_\_, 2011 WL 338417, at \*2 (Feb. 4, 2011). Subject to the time parameters set forth in *Hafed*, the dismissal of this appeal shall count as a second strike against Mr. Knox. *See id.* (discussing time when strike ripens and may be counted against prisoner).

Entered for the Court

Deanell Reece Tacha  
Circuit Judge