

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

February 12, 2014

Elisabeth A. Shumaker
Clerk of Court

MATTHEW ALAN SMITH,

Plaintiff - Appellant,

v.

DEVRY UNIVERSITY, INC.,

Defendant - Appellee.

No. 13-1447
(D.C. No. 1:13-CV-01840-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HARTZ, McKAY**, and **MATHESON**, Circuit Judges.

Matthew Smith filed a pro se complaint in the district court against DeVry University (“DeVry”) for violation of his rights related to his enrollment in a master’s degree program. The district court dismissed this complaint without prejudice, ordering Mr. Smith to file a complaint complying with Federal Rule of Civil Procedure Rule 8. Mr. Smith then filed three amended complaints in three consecutive days. The district court dismissed these complaints without prejudice for failure to satisfy Rule 8. The

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This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

district court also denied Mr. Smith's request to proceed *in forma pauperis* ("ifp") in this appeal. Mr. Smith appeals and renews his request to proceed *ifp*. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm the district court's dismissal and deny Mr. Smith's request to proceed *ifp*.

We review the district court's dismissal of a complaint without prejudice under Rule 8(a) for abuse of discretion. *See Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1162 n.3 (10th Cir. 2007). Under Rule 8(a)(2), a complaint "must contain . . . a short and plain statement of the claim showing that the [plaintiff] is entitled to relief." We construe *pro se* pleadings liberally. *See Diversey v. Schmidly*, 738 F.3d 1196, 1199 (10th Cir. 2013). But we do not assume the role of advocate and craft arguments for the *pro se* litigant. *See United States v. Pinson*, 584 F.3d 972, 975 (10th Cir. 2009).

Mr. Smith's amended complaints fail to allege facts to support his claims. In his attempt to state discrimination claims regarding alleged unfair grading procedures and failure to accommodate his mental disability in the classroom, Mr. Smith cites federal statutes without linking them to factual allegations. Having reviewed the amended complaints and the district court's dismissal order, we conclude the court did not abuse its discretion in finding noncompliance with Rule 8.

We affirm the district court and deny *ifp*.

ENTERED FOR THE COURT

Scott M. Matheson, Jr.
Circuit Judge