

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

December 27, 2007

Elisabeth A. Shumaker
Clerk of Court

GORDON TODD SKINNER,

Plaintiff-Appellant,

v.

STANLEY GLANZ, Tulsa Sheriff;
TIM HARRIS, Tulsa D.A.; GORDON
MCALLISTER, Tulsa County Judge;
BRAD HENRY, Governor; JOHN
DOES, Unknown Director of ODOC
and Unknown Warden of LARC,

Defendants-Appellees.

No. 07-5095
(D.C. No. 07-CV-0223-CVE-SAJ)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **KELLY, McKAY**, and **ANDERSON**, Circuit Judges.

Gordon Todd Skinner, proceeding pro se, appeals from the district court's order dismissing his 42 U.S.C. § 1983 complaint. We exercise jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

At the time Mr. Skinner filed his complaint, he was in custody at the David L. Moss Criminal Justice Center (“DLMCHC”), the Tulsa County Jail Facility. In Mr. Skinner’s complaint, he alleged that his life was in serious danger because he was going to be transferred into the custody of the Oklahoma Department of Corrections (“ODOC”) at the Lexington Assessment and Reception Center (“LARC”), where his identity as a government informant had been made known to gang members. He asserted also that he was being denied access to any form of a law library and other materials needed to protect his legal needs. He sued Stanley Ganz, Sheriff of Tulsa County; Tim Harris, Tulsa County District Attorney; and Gordon McAllister, Tulsa County District Judge (“the Tulsa County defendants”); as well as Brad Henry, Governor of Oklahoma; the unknown Director of the ODOC; and the Unknown Warden of LARC. He sought injunctive relief in the form of an order preventing his transfer into the custody of the ODOC and an order allowing him access to the DLMCHC law library and to his legal paperwork. While his complaint was pending, Mr. Skinner was transferred into the custody of the ODOC. As a result, the district court dismissed Mr. Skinner’s complaint because it determined that his request for injunctive relief against the Tulsa County defendants was moot and that his complaint failed to state a claim for relief against the remaining defendants.

Having reviewed Mr. Skinner’s brief, the record, and the relevant legal authority, we conclude that the district court correctly decided this case.

Accordingly, we AFFIRM the district court's judgment for substantially the same reasons stated in the district court's Opinion and Order dated May 24, 2007. All pending motions filed by Mr. Skinner are DENIED. We remind Mr. Skinner that he remains obligated to make partial payments until his entire appellate filing fee is paid.

Entered for the Court

Stephen H. Anderson
Circuit Judge