

UNITED STATES COURT OF APPEALS June 17, 2020
TENTH CIRCUIT Christopher M. Wolpert
Clerk of Court

EARL CROWNHART,
Plaintiff - Appellant,
v.
McINTYRE RENTALS,
Defendant - Appellee.

No. 20-1158
(D.C. No. 1:20-CV-01010-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **PHILLIPS, MURPHY, and McHUGH**, Circuit Judges.

After examining Appellant’s brief and the appellate record, this court 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.

Pro se litigant, Earl Crownhart, appeals the district court’s dismissal of the civil action he filed against Defendant McIntyre Rentals in the District Court for

*This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

the District of Colorado. The district court dismissed the suit without prejudice, noting it has permanently enjoined Crownhart from filing *pro se* civil actions in Colorado District Court without first obtaining permission from the court. *See Crownhart v. Suthers, et al.*, No. 13-cv-00959 (D. Colo. June 14, 2013); *see also In re Winslow*, 17 F.3d 314, 315 (10th Cir. 1994) (holding federal courts have the inherent power pursuant to 28 U.S.C. § 1651 to impose filing restrictions on abusive litigants). Because Crownhart did not comply with the terms of the sanction order, the court dismissed his complaint.

A district court's application of a previously-imposed filing restriction is reviewed for abuse of discretion. *See In re Peterson*, 338 F. App'x 763, 764 (10th Cir. 2009) (unpublished disposition cited solely for its persuasive value). After reviewing the record, the appellate brief, and the applicable law, we **affirm** the dismissal of Crownhart's complaint. Although Crownhart argues on appeal that he sought permission from the district court before filing his civil action, nothing in the record supports this assertion. Accordingly, Crownhart has failed to show compliance with the filing restrictions.

Because Crownhart's appeal is wholly frivolous, we **deny** his motion to

proceed *in forma pauperis* on appeal and remind Crownhart he is responsible for the immediate payment of any unpaid balance of the appellate filing fee. All outstanding motions are **denied**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge