

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

June 17, 2025

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

MELISSA GUNTER; AUSTIN GUNTER;
AARON VANBUSKIRK,

Plaintiffs - Appellants,

v.

STATE OF OKLAHOMA; CITY OF SHAWNEE; DEPARTMENT OF THE TREASURY; DEPARTMENT OF INTERIOR; GOVERNOR STIT; POTTAWATOMIE COUNTY TWENTY-THIRD JUDICIAL DISTRICT COURT; JOHN CANAVAN, in his individual and official capacity as District Court Judge; TRACY MCDANIEL, in her individual and official capacity as Associate District Judge; EMILY MUELLER, in her individual and official capacity as Special District Judge; MICHELLE FREEMAN, in her individual and official capacity as Guardian ad Litem; ALLEN GRUBB, in his individual and official capacity as District Attorney; COREY STONE, in his individual and official capacity as Assistant District Attorney; POTTAWATOMIE COUNTY DEPARTMENT OF HUMAN SERVICES; TISHA JONES, in her individual and official capacity as child welfare worker; BRENDEN WEAVER, in his individual and official capacity as child welfare worker; KREMENA ILSHIVA, in her individual and individual capacity as child welfare supervisor; SHERRI HOUSE, in her individual and official capacity as director; MARRIANNE MILLER, in her individual and official capacity as attorney at law; NOEL

No. 25-6043
(D.C. No. 5:23-CV-00706-SLP)
(W.D. Okla.)

TUCKER, in her individual and official
capacity as attorney at law,

Defendants - Appellees.

ORDER AND JUDGMENT*

Before **FEDERICO, BALDOCK, and MURPHY**, Circuit Judges.

After examining the Appellants' brief and appellate record, this panel has determined unanimously that oral argument would not materially assist in 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.

Melissa Gunter, Austin Gunter, and Aaron VanBuskirk purport to appeal from a February 28, 2025, order of the district court resolving a series of post-judgment motions. The overwhelming bulk of their appellate brief, however, appears to be an attempt to relitigate matters previously resolved by this court in *Gunter v. Oklahoma*, Nos. 24-6049, -6069, -6070, -6078, -6079, -6080, 2025 WL 902493 (10th Cir. Mar. 25, 2025). Such an approach is barred by the law-of-the-case doctrine. *See generally Rohrbaugh v. Celotex Corp.*, 53 F.3d 1181, 1183 (10th Cir. 1995). Furthermore, to the extent the appellants seek to raise issues not presented to the district court, this court operates in accord with the general rule and does not consider issues, theories,

* 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.

and arguments not presented below. *See Okland Oil Co. v. Conoco Inc.*, 144 F.3d 1308, 1314 n.4 (10th Cir.1998). Appellants have offered no basis or special circumstance justifying a deviation from that well-established general rule. *See id.* Finally, to the extent appellants' brief does challenge the order on appeal, we affirm for the reasons set out in the district court's thorough order. "[W]hen a [district court] accurately takes the measure of a case and articulates a cogent rationale, it serves no useful purpose for [us] to write at length." *Metro. Life Ins. Co. v. Zaldivar*, 413 F.3d 119, 120 (1st Cir. 2005) (Baldock, J., sitting by designation) (internal quotation marks omitted).

The order of the United States District Court for the District of Western Oklahoma is hereby **AFFIRMED**.

Entered for the Court

Michael R. Murphy
Circuit Judge