

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 16, 2011

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

KAMAL K.K. ROY,

Plaintiff - Appellant,

v.

NO DEFENDANTS NAMED,

Defendant - Appellee.

No. 11-1134
(D.C. No. 11-CV-00207-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **KELLY, HARTZ, and HOLMES**, Circuit Judges.**

Mr. Roy, appearing pro se, appeals from the district court's judgment in favor of Defendant and against him. The district court dismissed his complaint, amended complaint, and the action without prejudice for failure to cure deficiencies including submitting a neat and legible complaint and a properly supported motion seeking to proceed in forma pauperis (IFP). 28 U.S.C.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

§ 1915(e)(2)(B)(i). To proceed on appeal IFP, Mr. Roy is required not only to demonstrate a financial inability to pay, but also a reasoned, non-frivolous argument as to why the district court's resolution is incorrect. Lister v. Dep't of Treasury, 408 F.3d 1309, 1312 (10th Cir. 2005). This he has not done—his filings are largely unintelligible and decry several recent occurrences, including the conviction of Raj Rajaratnam and resignation of Anthony Weiner, without attempting to explain their relevance to the district court's dismissal of the case.¹

We DENY IFP status and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge

¹ Mr. Roy has a long history of filing cases (apparently unchecked) with pleadings that are simply unintelligible and lack an arguable basis in law or fact. See, e.g., Roy v. Time Warner Cable, 2010 WL 597021, at *1 (D. Neb. Feb. 17, 2010); Roy v. United States, 2009 WL 5206631, at *2 (E.D.Cal. Dec. 23, 2009); Roy v. U.S. Government, 2009 WL 1449090, at *1 (E.D. Mich. May 21, 2009); see also Jungle Democracy v. USA Government at Washington, DC & at Denver, 206 F. App'x 756, 757 (10th Cir. 2006) (noting that the appeal documents were as unintelligible as the complaint and stated no grounds for relief).