

September 23, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

CHUKWUMA E. AZUBUKO,
Plaintiff-Appellant,

PRECIOUS OKEREKE,
Plaintiff,

v.

UNIVERSITY OF MASSACHUSETTS;
DORCHESTER DISTRICT COURT OF
MASSACHUSETTS,
Defendants-Appellees.

No. 11-5071
(D.C. No. 05-CV-00034-JHP-SAJ)
(N.D. Oklahoma)

ORDER AND JUDGMENT*

Before **O'BRIEN, McKAY, and TYMKOVICH**, Circuit Judges.

After examining Plaintiffs' brief and the 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). This case is therefore ordered submitted without oral argument.

In 2005, Plaintiffs initiated this civil action against the University of Massachusetts

* This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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 the Dorchester District Court. The action was dismissed by the district court for failure to pay the required filing fees, and we dismissed Plaintiffs' appeal for lack of prosecution. Nearly five years later, Plaintiffs filed a motion for relief, which the district court denied. Their subsequent motion for a three-judge panel was likewise denied. This appeal followed.

We see no error in the district court's denial of Plaintiffs' post-judgment motions, and we therefore **AFFIRM** that court's rulings. Plaintiffs' motion to proceed *in forma pauperis* on appeal is **DENIED**.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge