

August 23, 2012

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

TIMOTHY RAY MURRAY,

Plaintiff - Appellant,

v.

THE UNITED STATES OF
AMERICA; CERTAIN MEMBERS
OF THE U.S. SENATE; CERTAIN
MEMBERS OF THE U.S. HOUSE;
THE GOVERNOR OF THE STATE
OF OKLAHOMA,

Defendants - Appellees.

No. 12-6147
(D.C. No. 5:12-CV-00542-R)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **KELLY, TYMKOVICH, and GORSUCH**, Circuit Judges.**

Timothy Ray Murray, proceeding pro se, appeals the district court’s order dismissing his complaint as frivolous. He filed this action seeking damages and injunctive relief against the United States, several members of the U.S. House and

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Senate, and the Governor of Oklahoma. He alleges various conspiracies by the government against himself. This court has jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Mr. Murray alleges various government conspiracies, including the use of satellites to damage his reproductive system, the broadcast of his life on radio and television, and an alleged cover-up about the assassination of John F. Kennedy. He alleges violations of his rights “under the First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Fourteenth Amendments;” the district court reviewed his complaint based on 28 U.S.C. §§ 1915(a), 1915(e)(2)(B) and dismissed it as frivolous. See Murray v. United States, No. CIV-12-542-R, ECF No. 14 (W.D. Okla. June 6, 2012).

We review a district court’s dismissal of a complaint for frivolousness for an abuse of discretion. See Milligan v. Archuleta, 659 F.3d 1294, 1296 (10th Cir. 2011). After reviewing Mr. Murray’s claims, we agree with the district court that they seem to fall in the delusional category or involve claims that would be barred by sovereign immunity or the Eleventh Amendment. See Neitzke v. Williams, 490 U.S. 319, 325, 328 (1989).

AFFIRMED. The motion to proceed in forma pauperis is **DENIED**.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge