

October 23, 2012

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MARJORIE A. CREAMER,

Plaintiff–Appellant,

v.

ESIS CLAIMS UNIT; ANNETTE
RIGDON,

Defendants–Appellees.

No. 12-3127
(D.C. No. 5:11-CV-04110-RDR-KGG)
(D. Kansas)

ORDER AND JUDGMENT*

Before **BRISCOE**, Chief Judge, **McKAY** and **HOLMES**, Circuit Judges.

After examining the briefs 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.

Plaintiff Marjorie Creamer, proceeding pro se, appeals the district court’s dismissal of her complaint. The district court concluded Plaintiff had failed to plead sufficient facts to support her product liability and Americans with Disabilities Act claims.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Plaintiff appears to raise two issues on appeal. First, she argues her complaint contained sufficient facts to support her claim for violation of the Americans with Disabilities Act. In support of this argument, Plaintiff asserts that Defendants stopped communications with her because of her disability which existed before the accident at issue. Second, Plaintiff argues her complaint contained sufficient facts to support her product liability claim. In support of this argument, Plaintiff asserts that Defendants failed to notify her of the steering motor defect with her vehicle before the accident at issue which occurred several months before the steering motor was recalled. She additionally asserts that the fact she had purchased her vehicle new only four years before the accident demonstrates Defendants waited too long to inform her of the defect.

After a through review of the briefs and the appellate record, and having carefully considered Plaintiff's arguments on appeal, we agree with the district court's analysis. Therefore, for substantially the same reasons given by the district court, we **AFFIRM** the dismissal of Plaintiff's complaint. We note the district court granted Plaintiff's motion to proceed *in forma pauperis*.

Entered for the Court

Monroe G. McKay
Circuit Judge