

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT
December 23, 2013
Elisabeth A. Shumaker
Clerk of Court

CHRISTOPHER SHAWN ROOKS,

Plaintiff - Appellant,

v.

DRUG ENFORCEMENT
ADMINISTRATION; UNITED
STATES MARSHALS SERVICE,

Defendants - Appellees.

No. 13-3203

D. Kansas

(D.C. No. 5:13-CV-03054-SAC)

ORDER AND JUDGMENT*

Before **LUCERO**, **McKAY**, and **MURPHY**, Circuit Judges.

After examining the appellant's 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). The case is therefore ordered submitted without oral argument.

Christopher Rooks, proceeding pro se, appeals from the district court order dismissing his civil action. Rooks filed this action in district court pursuant to the

*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

judicial review provisions of the Administrative Procedures Act. *See* 5 U.S.C. § 702. In his complaint, Rooks challenged the administrative forfeiture of \$96,000 in United States currency. The district court concluded that because the forfeiture occurred in 1993, and because Rooks was aware of that fact, his civil action was barred by the six-year limitations period set out in 28 U.S.C. § 2401. The district court further concluded that given Rooks's obvious lack of diligence, he was not entitled to have the limitations period equitably tolled.

The district court's resolution of this case is undeniably correct. Accordingly, exercising jurisdiction pursuant to 28 U.S.C. § 1291, we **affirm** the district court's order of dismissal.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge