

UNITED STATES COURT OF APPEALS **June 13, 2014**

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

PIERRE A. RENOIR,

Plaintiff - Appellant,

v.

LARIMER COUNTY, et al., and
unknown parties,

Defendants - Appellees.

No. 14-1107
(D.C. No. 1:14-CV-00288-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **GORSUCH, MURPHY, and HOLMES**, Circuit Judges.

After examining the briefs and 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.

On January 30, 2014, *pro se* plaintiff Pierre A. Renoir filed a document with the United States District Court for the District of Colorado that was

*This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

docketed as a complaint pursuant to 42 U.S.C. § 1983. The matter was assigned to a United States magistrate judge who entered an order directing Renoir to cure numerous deficiencies. Specifically, Renoir was ordered to file his claims on a court-approved form and was further ordered to pay the filing fee or file a motion for leave to proceed *in forma pauperis*. Renoir was warned that his complaint would be dismissed if he failed to cure the deficiencies within thirty days. In response, Renoir filed the *in forma pauperis* motion together with multiple letters and other documents but did not submit his claims on a court-approved form. Accordingly, the district court dismissed the action *sua sponte* for failure to cure all deficiencies. *See* Fed. R. Civ. P. 41(b). Renoir then brought this appeal.

This court reviews involuntary dismissals pursuant to Fed. R. Civ. P. 41(b) for an abuse of discretion. *Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003). Having reviewed Renoir's appellate brief, the district court's order, and the entire appellate record, we conclude the district court did not abuse its discretion when it dismissed Renoir's complaint. Renoir has failed to identify any reversible error in the district court's ruling and has failed to show he cured all the clearly identified deficiencies within the time limit imposed by the court. Accordingly, the judgment of the district court dated March 12, 2014, dismissing Renoir's action without prejudice for failure to cure deficiencies is **affirmed**.

Renoir has also filed a motion seeking to proceed *in forma pauperis* on appeal. We cannot grant his motion unless he is able to "show a financial

inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). In light of the magistrate judge’s clear and concise order and the absence of any reasoned argument in Renoir’s appellate brief, this court concludes Renoir’s appeal is frivolous. Because Renoir’s appeal is frivolous, his motion to proceed *in forma pauperis* is **denied**. Renoir is reminded of his responsibility to immediately remit any unpaid balance of the appellate filing fee.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge