

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

June 27, 2014

**Elisabeth A. Shumaker
Clerk of Court**

RAMON L. FISHER,
Plaintiff - Appellant,

v.

COLORADO DEPARTMENT OF
CORRECTIONS AND STATE
EMPLOYEES BELOW,

Defendants - Appellees.

No. 14-1109
(D. Colo.)
(D.C. No. 1:13-CV-03198-LTB)

ORDER AND JUDGMENT*

Before **HARTZ, McKAY**, and **MATHESON**, Circuit Judges.

On January 16, 2014, the district court entered judgment dismissing Mr. Fisher's amended complaint without prejudice. On March 14, 2014, the district court docketed what it called a "Misdirected Notice of Appeal" as to the January 16 judgment. The accompanying envelope indicates it was given to prison personnel for mailing on March 12, 2014. Mr. Fisher has not met his burden to show he submitted the envelope to

* 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. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 32.1.

prison officials before this date. *See* Fed. R. App. P. 4(c)(1); *Price v. Philpot*, 420 F.3d 1158, 1165 (10th Cir. 2005). Because notice of appeal was not filed within 30 days of judgment, Fed. R. App. P. 4(a)(1)(A), we do not have jurisdiction and therefore dismiss this appeal. We deny Mr. Fisher's motion to proceed *in forma pauperis*.

ENTERED FOR THE COURT

Scott M. Matheson, Jr.
Circuit Judge