

August 28, 2014

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

RONALD MERL McKAY,

Plaintiff - Appellant,

and

TWIN RIVERS LAND & CATTLE
COMPANY, LP, a New Mexico
limited partnership; TWIN RIVERS
LAND & CATTLE CO., LP, LLC, a
New Mexico limited liability company
as general partner of Twin Rivers
Land & Cattle Company, LP,

Plaintiffs,

v.

A.V. HAYES, JR.,

Defendant - Appellee.

No. 14-7033
(D.C. No. 6:13-CV-00176-RAW)
(E.D. Okla.)

ORDER AND JUDGMENT*

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

* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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 a real estate deal went awry, Ronald Merl McKay sued Acie Hayes, Jr. Mr. Hayes moved for summary judgment, but Mr. McKay never responded — even after the district court extended his deadline and warned him that, if he didn't respond, the district court would dismiss the case or deem the motion confessed. The district court, under a local rule, deemed the motion confessed and dismissed the action with prejudice.

On appeal, Mr. McKay reargues the merits of his case but he does not directly address the district court's ruling, let alone identify any defect in it. While this court takes seriously its obligation to construe liberally *pro se* filings like Mr. McKay's, it will not invent arguments for reversal that a litigant does not even touch upon: “the court cannot take on the responsibility of serving as the litigant's attorney in constructing arguments and searching the record.” *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005).

The judgment is affirmed.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge