

**UNITED STATES COURT OF APPEALS** November 25, 2014  
**TENTH CIRCUIT** Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES BARRETT; KATHLEEN  
BARRETT,

Defendants - Appellants.

No. 14-1179  
(D.C. No. 1:10-CV-02130-RBJ-BNB)  
(D. Colo.)

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**ORDER AND JUDGMENT\***

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Before **LUCERO, GORSUCH, and MORITZ**, Circuit Judges.

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Charles and Kathleen Barrett’s appeal of the district court’s adverse final decision in their case is untimely and we therefore lack jurisdiction to entertain it. *See Bowles v. Russell*, 551 U.S. 205 (2007). Their appeal challenging the district court’s subsequent decision denying their Fed. R. Civ. P. 60(b) motion requesting reconsideration is timely. But the Barretts’ brief discussion of the motion to

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\* After examining the briefs and appellate record, this panel has determined unanimously to grant the parties’ request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f) and 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 This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

reconsider in their opening brief doesn't demonstrate that Rule 60(b) entitles them to relief, let alone that the district court abused its discretion in holding otherwise. *See Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1242 (10th Cir. 2006). The Barretts' *in forma pauperis* motion is denied. The district court's disposition of the motion to reconsider is affirmed and the remainder of the appeal is dismissed.

ENTERED FOR THE COURT  
PER CURIAM