

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

January 23, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JACK DOWELL,

Defendant - Appellant.

No. 16-1423
(D.C. Nos. 1:07-CV-02002-RPM
and 1:01-CR-00395-RPM-3)
(D. Colo.)

ORDER DENYING
CERTIFICATE OF APPEALABILITY*

Before **GORSUCH, BALDOCK, and McHUGH**, Circuit Judges.

Pro se Petitioner Jack Dowell was convicted by a federal jury in the early 2000s of destroying government property by fire in violation of 18 U.S.C. §§ 2 and 844(f)(1), and of forcibly interfering with the Internal Revenue Service in violation of 18 U.S.C. § 2 and 26 U.S.C. § 7212(a). We affirmed his convictions and sentence. *See United States v. Dowell*, 430 F.3d 1100 (10th Cir. 2005). Mr. Dowell then moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The district court denied the motion, and we declined to issue a certificate of appealability (COA).

*This order is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Federal Rule Appellate Procedure 32.1 and 10th Circuit Rule 32.1.

Mr. Dowell next filed a series of motions under Federal Rule of Civil Procedure 60(b), asking the district court to set aside its order denying his § 2255 motion, to appoint counsel, and to hold an evidentiary hearing. The district court denied each motion. And we declined to issue a COA each time he appealed. Mr. Dowell now seeks review of the district court's denial of his most-recent Rule 60(b) motion, in which he makes the same arguments that we have already rejected. We do so again here without further discussion. *See United States v. Dowell*, 604 F. App'x 702, 704 n.1 (10th Cir. 2015) (unpublished) (cautioning “[Mr.] Dowell that future frivolous appeals on this matter may result in summary disposition without discussion or an order requiring him to show cause to avoid appellate filing restrictions or sanctions”).

We DENY Mr. Dowell's application for a COA, DENY his motion to proceed *in forma pauperis* as moot, and DISMISS his appeal.

Entered for the Court

Carolyn B. McHugh
Circuit Judge