

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

November 20, 2017

Elisabeth A. Shumaker
Clerk of Court

ROBERT A. SESSION,

Plaintiff - Appellant,

v.

JIM YOUNG KIM, World Bank;
CHRISTINE LAGARDE, Managing
Director, International Monetary Fund,
and JOHN Doe, Ogden Utah Tax
Office,

Defendants - Appellees.

No. 17-1174
(D.C. No. 1:17-CV-00222-LTB)
D. Colorado

ORDER AND JUDGMENT*

Before **KELLY, MURPHY**, and **MATHESON**, Circuit Judges.

After examining Appellant's brief and the appellate record, this court has determined unanimously that oral argument would not materially assist the adjudication 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*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Proceeding *pro se*, Appellant Robert A. Session, a Colorado state prisoner, appeals the district court's dismissal of the complaint he filed pursuant to 42 U.S.C. § 1983. In addition to the complaint, Session also filed a document titled, "United States District Court Judicial Review of a Form 8082 and Motion to Specify." A United States Magistrate Judge ordered Session to file an amended complaint, clarifying the claims being asserted. Session filed the amended complaint on April 21, 2017. The district court dismissed the action for failure to comply with Rule 8 of the Federal Rules of Civil Procedure. The court concluded Session's complaint, even if construed liberally, contained vague, and conclusory factual allegations" and did not provide fair notice to the Defendants.

Session's appellate brief, like his complaint, is an incoherent jumble of constitutional, criminal, civil, and administrative law concepts. There is no clear argument as to why the district court's judgment should be reversed. Having reviewed the record and Session's appellate brief, this court concludes Session's appeal is "without merit in that it lacks an arguable basis in either law or fact." *Thompson v. Gibson*, 289 F.3d 1218, 1222 (10th Cir. 2002). We, thus, **dismiss** the appeal as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). We **deny** Session's motion to proceed *in forma pauperis* pursuant to 28 U.S.C.

§ 1915(a)(1)¹ and remind him of his responsibility for the immediate payment of any unpaid balance of the appellate filing fee.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge

¹See *Rollins v. Fisch*, 696 F. App'x 856, 859 n.3 (10th Cir. 2017) (unpublished disposition cited only for its persuasive value).