

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

FEB 28 2001

PATRICK FISHER
Clerk

In re: COLORADO WELDING AND
ERECTORS,

Debtor,

RICHARD W. JOHNSON,

Plaintiff-Appellant,

v.

PEOPLE OF THE STATE OF
COLORADO,

Defendant,

and

U.S. BANKRUPTCY COURT,

Appellee.

No. 00-1397
(D.C. No. 00-K-1521)
(D. Colo.)

ORDER AND JUDGMENT*

Before **SEYMOUR, McKAY**, and **BRORBY**, Circuit Judges.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This 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. 36.3.

After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

On June 26, 2000, Appellant filed a handwritten pleading captioned “Affidavit and Motion for Ancillary Process” in the U. S. Bankruptcy Court for the District of Colorado. That court found the pleading unintelligible and dismissed it for all relief except to the extent that it requested habeas corpus relief, over which it did not have jurisdiction. On July 20, 2000, Appellant filed a notice of appeal with the district court, seeking review of the bankruptcy court’s order. The district court found the pleading indecipherable and entered a show cause order directing Appellant to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal from the bankruptcy court’s order. Appellant’s responses were equally obscure, and the district court dismissed the appeal. Defendant’s appeal to this court is as enigmatic to us as his prior filings were to the two previous courts. We therefore **DENY** the motion to proceed in forma pauperis and **AFFIRM** the district court’s dismissal of the matter.

Entered for the Court:

Monroe G. McKay
Circuit Judge