

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JUL 27 2000

PATRICK FISHER
Clerk

EINSTEIN (BOSS MAN), a/k/a
ACCOUNTABILITY BURNS,

Plaintiff-Appellant,

v.

TULSA COUNTY ELECTION
BOARD,

Defendant-Appellee.

No. 00-5054
(D.C. No. 74-CV-153-E)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **EBEL**, and **BRISCOE**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

Einstein (Boss Man) a/k/a Accountability Burns appeals the district court order denying his motions for new trial, retrial and change of venue, and his

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, or collateral estoppel.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

motion to reinstate the case. The district court denied plaintiff's motion to proceed in forma pauperis and plaintiff now seeks leave to proceed in forma pauperis in this court.

In ruling on plaintiff's motions, the district court reviewed docket entries 24, 25, 26, 27, and 28, and concluded that the motions raised new claims and therefore should have been pursued as new original actions. The record on appeal consists of material from a case originally filed in 1974 and copies of media articles, many of which are annotated by plaintiff. The record does not, however, contain the docket entries ruled on by the district court. We therefore have nothing to review. The motion for leave to proceed in forma pauperis is denied and the appeal is **DISMISSED**.¹

ENTERED FOR THE COURT

Stephanie K. Seymour
Chief Judge

¹ Mr. Einstein's motion for default judgment is denied.