

UNITED STATES COURT OF APPEALS

Filed 2/27/96

TENTH CIRCUIT

JAMES PETER DARBY,

Plaintiff - Appellant,

v.

NADEEN JENSEN, in her official capacity and as an individual, and Unknown Unnamed Employees of the Internal Revenue Service, in their official capacities and as individuals; COMMISSIONER OF INTERNAL REVENUE, named as Commissioner of Internal Revenue, in his or her official capacity and as an individual; UNITED STATES OF AMERICA,

Defendants - Appellees.

No. 95-1240

(D.C. No. 94-S-569)

(D. Colo.)

ORDER AND JUDGMENT*

Before PORFILIO, McKAY, and KELLY, 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); 10th Cir. 34.1.9. The case is therefore ordered

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

submitted without oral argument.

We grant Mr. Darby's Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees. The court also grants Mr. Darby's Motion to Exceed Page Limitation in Reply Brief.

We AFFIRM for the reasons given by the district court. The mandate shall issue forthwith.

Entered for the Court

PER CURIAM