

UNITED STATES COURT OF APPEALS

Filed 6/3/96

TENTH CIRCUIT

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ANTHONY RAY JENKINS, )  
 )  
 Plaintiff-Appellant, )  
 )  
 v. )  
 )  
 T. KEITH WILSON, Judge, )  
 )  
 Defendant-Appellee. )

No. 95-3102  
(D.C. No. 95-3090-DES)  
(D. Kansas)

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**ORDER AND JUDGMENT\***

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Before **ANDERSON, BARRETT** and **LOGAN**, Circuit Judges.

This matter is before the court on plaintiff Anthony Ray Jenkins’ motion for leave to proceed in forma pauperis on appeal without payment of costs or fees.

To succeed on his motion plaintiff must show both the financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal. See 28 U.S.C. § 1915(d); Coppedge v. United States, 369 U.S. 438 (1962); Ragan v. Cox, 305 F.2d 58 (10th Cir. 1962).

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Plaintiff seeks to appeal the dismissal of his 42 U.S.C. § 1983 complaint against the Seward County (Kansas) judge who revoked his appeal bond. He requests damages as well as his own release from prison. He further asserts that the state courts lack jurisdiction over all other criminal proceedings against him. He asserts general due process, double jeopardy and equal protection violations stemming from those state proceedings. Plaintiff raises additional issues in his brief that appear to challenge the legality of criminal proceedings against him, including an alleged improper interlocutory appeal by the state and a double jeopardy violation. He seeks to relitigate issues previously decided against him in other cases he filed. The allegations are legally frivolous and constitute another attempt by this plaintiff to obtain habeas corpus relief in a § 1983 action.

We conclude that plaintiff can make no rational argument on the law or facts in support of the issues raised on appeal. Therefore, the motion for leave to proceed on appeal without prepayment of costs or fees is denied. The appeal is DISMISSED.

The mandate shall issue forthwith.

Entered for the Court

James K. Logan  
Circuit Judge