

UNITED STATES COURT OF APPEALS November 5, 2019

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

TIMOTHY SHANE ELLIS,

Plaintiff - Appellant,

v.

STEVEN KUNZWEILER, Tulsa
County District Attorney; JANE and
JOHN DOE, Prosecutors; TIM
HARRIS, former Tulsa County
District Attorney,

Defendants - Appellees.

No. 19-5056

(D.C. No. 4:19-CV-00220-CVE-JFJ)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **CARSON, BALDOCK, and MURPHY**, Circuit Judges.

While in pretrial detention, Plaintiff Ellis, appearing pro se, filed this 42 U.S.C. § 1983 federal action for monetary and injunctive relief against various Tulsa County officials. According to his complaint, these officials allegedly refiled an Oklahoma state court prosecution against him without cause after it had been dismissed at a preliminary hearing for lack of evidence. This “improper” refiling, according to Plaintiff, resulted in the issuance of an illegal Oklahoma bench warrant

* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

and ultimately Plaintiff's illegal extradition from Colorado. In a thorough written decision, the district court ably explained why Plaintiff's complaint entitles him to no relief in federal court. Of course, Plaintiff remains free to raise his present claims in the context of his state court prosecution. Suffice to say that for the purpose of resolving this appeal, we have thoroughly reviewed the district court record and Plaintiff's appellate brief, and, discerning no reversible error, we affirm substantially for the reasons stated in the district court's "Opinion and Order." Because the district court granted Plaintiff leave to proceed on appeal *in forma pauperis* (IFP), we deny his present IFP motion as moot but remind him that he remains obligated to pay the filing fee in full.

Entered for the Court,

Bobby R. Baldock
United States Circuit Judge