

August 15, 2013

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

KARL HEINZ SINGLETON,

Plaintiff - Appellant,

v.

PAM PLOUGH, Warden, Four Mile
Corr. Cen.; CPT. MAESTES, Four
Mile Center Supervisor; LT.
RICHARDS, Hearing Officer; LT.
RIVERA, 2nd Shift Commander,

Defendants - Appellees.

No. 13-1167
(D.C. No. 1:13-CV-00397-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HARTZ, O'BRIEN**, and **GORSUCH**, Circuit Judges.

Karl Singleton, an inmate of the Colorado Department of Corrections, filed a *pro se* motion in the district court seeking injunctive relief against the prison officials in charge of his access to legal materials. The district court advised him that, under the rules governing civil procedure in federal court, he first needed to

* 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) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

file a complaint before filing a motion. The district court also explained that he had to fill out a court-supplied form if, as it seemed from the materials he did supply, he wanted leave to proceed *in forma pauperis*. The district court clearly laid out the problems with Mr. Singleton's filing, how to correct them, and gave him 30 days to comply. This Mr. Singleton didn't do, so the district court dismissed the case, though without prejudice to any future effort by Mr. Singleton to file compliant materials. The district court later denied his motion to alter or amend its judgment.

Instead of following the map the district court provided and filing a lawsuit that complies with the rules of procedure, Mr. Singleton now appeals. But despite the special solicitude his *pro se* pleadings deserve, we see no lawful basis on which we might reverse the district court. A district court is generally free to dismiss a lawsuit without prejudice for failure to comply with the federal rules of procedure. *See Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1161-62 (10th Cir. 2007). And Mr. Singleton himself admits that the district court "didn't apply the wrong law," he just "didn't file the proper [form]."

The judgment of the district court is affirmed. Mr. Singleton's motion to

proceed *in forma pauperis* in this court is denied. Mr. Singleton is reminded that he is obligated to pay the filing fee.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge