

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**October 10, 2013**

**Elisabeth A. Shumaker**  
**Clerk of Court**

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TOM KRAMER; MONICA KRAMER,

Plaintiffs - Appellants,

v.

DONN VIGIL; FRANCIS MARTINEZ;  
RIO GRAND SAVING & LOAN  
ASSOCIATION; BENJAMIN F.  
GIBBONS; JAMES A. CASEY,

Defendants - Appellees.

No. 13-1265  
(D.C. No. 1:13-CV-00142-PAB-KLM)  
(D. Colorado)

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**ORDER AND JUDGMENT\***

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

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Upset with foreclosure proceedings brought against them in state court by Rio Grande Saving & Loan Association, Tom and Monica Kramer brought a suit

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\*After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f) and 10th Cir. R. 34.1(G). *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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

in federal court under 42 U.S.C. § 1983 and other civil-rights laws against the presiding state magistrate judge, Rio Grande, Rio Grande's branch manager, and Rio Grande's attorney. The district court dismissed the claims because (1) there was no state action by Rio Grande, its manager, or its attorney; and (2) the magistrate judge is entitled to judicial immunity. The court also denied the Kramers' request for permission to amend their complaint because any amendment would be futile. For the reasons stated in the district court's opinion, we affirm the judgment below. We deny Mr. Kramer's request to proceed *in forma pauperis*.

ENTERED FOR THE COURT

Harris L Hartz  
Circuit Judge