

UNITED STATES COURT OF APPEALS

July 20, 2016

TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES LEWIS,

Defendant - Appellant.

No. 16-1156  
(D.C. No. 1:04-CR-00103-REB-4)  
D. Colo.

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**ORDER AND JUDGMENT\***

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Before **HARTZ, MURPHY, and PHILLIPS**, Circuit Judges.

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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); 10th Cir. R. 34.1(G). The court therefore orders the case submitted without oral argument.

On April 12, 2016, Charles Lewis filed two motions with the United States District Court for the District of Colorado: a motion requesting a special

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\*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

discovery hearing and a motion to appoint counsel. The district court denied both, concluding there was “nothing filed or pending that would require legal counsel or discovery.” Proceeding *pro se*, Lewis then brought this appeal.

We have reviewed the record, Lewis’s appellate brief, and the applicable law and conclude the district court did not err in denying Lewis’s motions. Accordingly, the district court’s order denying Lewis’s Motion to Appoint Adequate Counsel to Petition the Supreme Court for Writ of Habeas Corpus and his Motion Requesting Special Discovery Hearing to Determine if the Level of Court Appointed Representation Was Adequate, is **affirmed** for substantially the reasons stated in the district court’s order dated April 20, 2016.

We also conclude Lewis’s appeal is wholly frivolous. Accordingly, Lewis’s motion to proceed *in forma pauperis* on appeal is **denied** and he is reminded of his obligation to immediately remit any unpaid balance of the appellate filing fee.

ENTERED FOR THE COURT

Michael R. Murphy  
Circuit Judge