

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

January 27, 2021

Christopher M. Wolpert
Clerk of Court

BRETT ANDREW: HOUSE OF
NELSON,

Plaintiff - Appellant,

v.

DANIEL AUSTIN WALZL/STATE OF
COLORADO,

Defendant - Appellee.

No. 20-1425
(D.C. No. 1:20-CV-01012-LTB-GPG)
(D. Colo.)

ORDER AND JUDGMENT*

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

Pro se Plaintiff-Appellant brought this action in the United States District Court for the District of Colorado seeking to confirm an alleged \$6,898,000 arbitration award against Defendant under the Federal Arbitration Act. The district court dismissed the action for lack of subject matter jurisdiction, and we affirmed. *See Nelson v. Walzl*, 829 F. App'x 872 (10th Cir. 2020).

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Less than two months later, Plaintiff filed three post-judgment motions, each of which the district court denied. This appeal follows, but Plaintiff merely reiterates the same arguments we rejected in his prior appeal to this court. *See id.* That is, Plaintiff alleges the district court erred in concluding it lacked subject matter jurisdiction because, by his argument, subject matter jurisdiction is provided for in 9 U.S.C. § 9.

Plaintiff presents no new arguments, facts, or law. Because we thoroughly addressed and rejected his contentions in *Nelson v. Walzl*, 829 F. App'x 872 (10th Cir. 2020), we see no useful purpose in writing at length. Exercising jurisdiction under 28 U.S.C. § 1291, we AFFIRM. Plaintiff's motion to proceed IFP is DENIED.

Entered for the Court

Bobby R. Baldock
Circuit Judge