

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01373-JLK

SOULEYMANE OUEDRAOGO,

Plaintiff,

v.

DOWNTOWN DENVER BUSINESS IMPROVEMENT DISTRICT,

Defendant.

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ORDER DENYING LEAVE TO PROCEED ON APPEAL  
PER 28 U.S.C. § 1915 AND FED. R. APP. P. 24

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Kane, J.

Mr. Ouedraogo has submitted a Motion and Affidavit for Leave to Proceed on Appeal per 28 U.S.C. § 1915 and Fed. R. App. P. 24. ECF. Doc. 77. After examining the file, I have determined that the motion must be denied.

Mr. Ouedraogo seeks to appeal my grant of Downtown Denver Business Improvement District's ("DDBID") motion for of summary judgment. DDBID's motion for summary judgment was granted because (1) Mr. Ouedraogo's breach of contract claim is extinguished by novation; (2) there is overwhelming parole evidence to negate any unjust enrichment claims; (3) Mr. Ouedrago cannot state a prima facie case of discrimination under 42 U.S.C. §§ 1981 and 1982 and even if he did DDIBD had non-discriminatory, non-pretextual reasons for its actions; (4) Mr. Ouedraogo cannot show wrongful conduct necessary to state a claim for tortious interference with a prospective advantage; and (5) the issues Mr. Ouedraogo seeks to include by amendment are futile. Based on these findings, Mr. Ouedraogo fails to show "the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal."

*DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). Therefore, this appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a). Accordingly, it is

ORDERED that the Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. 24, ECF No. 77, is denied.

DATED at Denver, Colorado this 11th day of April, 2014 April, 2014.

BY THE COURT:

*s/John L. Kane*

John L. Kane, U.S. Senior District Judge