

October 19, 2007

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

DANNY O'DELL,

Plaintiff - Appellant,

v.

UNITED STATES GOVERNMENT;
DICK CHENEY,

Defendants - Appellees.

No. 07-8047

(D. Wyoming)

(D.C. No. 07-CV-41-CAB)

ORDER AND JUDGMENT*

Before **HENRY, TYMKOVICH**, and **HOLMES**, Circuit Judges.

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).

In the United States District Court for the Eastern District of Louisiana, Danny O'Dell, proceeding pro se, filed an "Original Petition Katrina Killings and Societal Beheadings." He accused President George W. Bush of ignoring weather warnings and

* This order and judgment is not binding precedent except under the doctrines of the law of the case, res judicata and collateral estoppel.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

therefore allowing Hurricane Katrina to occur, in order to somehow benefit Halliburton Energy Services. The Louisiana federal district court dismissed the suit and Mr. O'Dell then appealed that decision to the District Court for the District of Wyoming, which dismissed it for lack of jurisdiction. We exercise jurisdiction pursuant to 28 U.S.C. § 1291 (we do have jurisdiction to determine if the district court was correct in its assertion of lack of jurisdiction) and affirm.

On appeal, in a supplemental filing, Mr. O'Dell argues that (1) Sen. Arlen Specter agreed to a plan to use sarin gas to poison the passengers on planes used in the September 11, 2001 attacks; (2) the Tenth Circuit should hold "a full hearing, preliminary trial, and jury Trial" at the Federal Courthouse in Texas; (3) Mr. O'Dell should be given federal witness protection against continuing threats by the Secret Service; (4) the Tenth Circuit should prohibit any presidential orders designed to deny due process of law; and (5) yet again, that a jury trial be held in Texas. In his pro se appellate brief, he names approximately 360 defendants (some more than once), including Dan Rather, NOVA Productions, the Federal Bureau of Investigation, Queen Elizabeth, George Clooney, and Katie Couric. He also seeks to proceed in forma pauperis.

The district court was correct in holding that it cannot review an appeal from a Louisiana federal district court. Any appeal from that court's decision must be made in the United States Court of Appeals for the Fifth Circuit. 28 U.S.C. § 1294(1). The district court did not err in dismissing the case for lack of jurisdiction.

Accordingly, we affirm the district court's decision to dismiss the "appeal" and deny the motion to proceed in forma pauperis.

Entered for the Court,

Robert H. Henry
Circuit Judge