

August 7, 2009

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

ANDREW WOLTERS,

Plaintiff - Appellant,

v.

ALEX HUNTER, Boulder District
Attorney; TOM WICKMAN, Boulder
Police Detective,

Defendants - Appellees.

No. 09-1114

(D. Colorado)

(D.C. No. 1:07-CV-02290-WYD-CBS)

ORDER AND JUDGMENT*

Before **LUCERO, MURPHY, and McCONNELL**, Circuit Judges.

After examining appellant's brief and the appellate record, this court 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 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*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Proceeding *pro se*, Andrew Wolters appeals the district court's dismissal of the civil rights complaint he brought pursuant to 42 U.S.C. §§ 1983 and 1985.¹ In the complaint, Wolters alleged he provided Defendants with information implicating a federal agent in the murder of JonBenét Ramsey and Defendants knowingly withheld this information. He asserted Defendants' conduct violated his due process rights and ultimately led to his being framed for a California bank robbery by the federal agent.

The district court dismissed Wolters's complaint with prejudice, concluding: (1) the claims against defendant Hunter in his official capacity are barred by the Eleventh Amendment, (2) the complaint fails to state a claim against defendant Wickman in his official capacity, and (3) the claims against Hunter and Wickman in their individual capacities are, *inter alia*, barred by the statute of limitations.

We have reviewed the record, Wolters's brief, and the applicable law. Finding no reversible error, we **affirm** the district court's dismissal of Wolters's complaint. Wolters's motion to proceed *in forma pauperis* on appeal is **granted**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge

¹Although Wolters relied on *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), his amended complaint does not allege any claims against any federal officers.