

February 25, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MICHAEL E. MCKINZY, SR.,

Plaintiff-Appellant,

v.

INTERSTATE BRANDS
CORPORATION,

Defendant-Appellee.

No. 09-3280
(D.C. No. 2:08-CV-02649-CM-JPO)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ, McKAY**, and **ANDERSON**, Circuit Judges.

Pro se plaintiff Michael E. McKinzy, Sr., appeals from the district court's order dismissing his discrimination lawsuit against his former employer, Interstate Brands Corporation, as a sanction for disobeying the court's discovery orders.

Mr. McKinzy never addresses the district court's order that dismissed his lawsuit as a sanction; instead he complains about its earlier orders denying,

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

without prejudice, his motions to amend his complaint and for summary judgment. However, these orders have no affect on the outcome and we will not consider them on appeal. *Orr v. City of Albuquerque*, 417 F.3d 1144, 1154 (10th Cir. 2005).

As to the order of dismissal, Mr. McKinzy never mentions it in his brief, and perforce, never explains any error. “We routinely have declined to consider arguments that are not raised, or are inadequately presented, in an appellant’s opening brief. Stated differently, the omission of an issue in an opening brief generally forfeits appellate consideration of that issue.” *Bronson v. Swensen*, 500 F.3d 1099, 1104 (10th Cir. 2007) (citations omitted).

The appeal is DISMISSED.

ENTERED FOR THE COURT
PER CURIAM