

April 13, 2010

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

DENNIS LEON SMITH and BRUCE
CLYDE SMITH,

Plaintiffs-Appellants,

v.

MICHAEL W. ROACH, United States
Marshal,

Defendant-Appellee.

No. 10-6000

(W.D. of Okla.)

(D.C. No. CV-5:09-01085-HE)

ORDER AND JUDGMENT*

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

Dennis Leon Smith and Bruce Clyde Smith appeal the Order dismissing their case from district court. We have jurisdiction under 28 U.S.C. § 1291. After reviewing Appellants' filings in this case, including the record on appeal, and the

* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata and collateral estoppel.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 the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. *See* Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

district court's Order dismissing the Smiths' case with prejudice, we DISMISS this appeal.

We also DENY both Appellants' Motions for Leave to Proceed on Appeal Without Prepayment of Costs or Fees, and remind Appellants to contact the clerk of the district court to arrange payment plans for their filing fee. Further, we DENY Appellants' request to forward the 248-page Record on Appeal.

Entered for the Court

Timothy M. Tymkovich
Circuit Judge