

March 21, 2012

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

VERNELL MITCHELL,

Plaintiff - Appellant,

v.

ANGEL MEDINA, Warden, et al [sic];
COLORADO ATTORNEY
GENERAL; APPELLATE JUDGE
METZGER; APPELLATE JUDGE
NEY; APPELLATE JUDGE
RULAND; DISTRICT CT. JUDGE
L.A. MANZANARES; DISTRICT CT.
JUDGE ANNE M. MANSFIELD;
DISTRICT CT. JUDGE WILLIAM D.
ROBBINS,

Defendants - Appellees.

No. 11-1557
(D.C. No. 1:11-CV-01662-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

In 1989 Vernell Mitchell was convicted on two counts of first degree murder. In this *pro se* action, he contends the Colorado Court of Appeals issued an opinion in his state post-conviction proceedings in error based on an inaccurate record. He seeks a new trial and other injunctive relief.

Construing Mr. Mitchell's complaint as stating claims pursuant to 42 U.S.C. § 1983, the district court proceeded to dismiss his claims on the merits. The district court explained that the state judges named as defendants are immune from suit because Mr. Mitchell challenges their official actions. The court further explained that Mr. Mitchell's claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because they seek to "imply the invalidity of his conviction," *id.* at 487, by demanding (among other things) a new trial.

Reviewing Mr. Mitchell's *pro se* papers with the liberality they are due, we are unable to discern any error in the district court's thorough opinion. Accordingly, its judgment is affirmed, the motion for leave to proceed *in forma pauperis* is denied, and Mr. Mitchell is ordered to pay immediately the unpaid balance of his appellate filing fee.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge