

April 10, 2015

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL DAVID EGLI,

Defendant - Appellant.

No. 14-4140

(D. Utah)

(Nos. 2:14-CV-00699-TC and
2:04-CR-00577-TC-1)

ORDER AND JUDGMENT*

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

Daniel David Egli, a federal prisoner incarcerated in Louisiana, apparently was convicted of a federal offense in the United States District Court for the District of Utah. He filed in that court a motion for relief from his conviction under Federal Rule of Civil Procedure 60. Relying on our opinion in *United States v. Triplett*, 166 F. App'x 362,

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

365–66 (10th Cir. 2006), the district court denied the motion because Rule 60 does not apply to criminal cases. Mr. Egli appeals from the denial. We AFFIRM, because the district court was correct. If there were any colorable merit to Mr. Egli’s arguments, we might be tempted to recategorize his district-court pleading. But there is no temptation here. Appellant’s motion to “Certify Constitutional Question” is denied. Appellant’s motion to proceed *in forma pauperis* is denied and appellant is ordered to pay the filing fee to the district court forthwith.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge